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House File 267 - Introduced

HOUSE FILE 267
BY MASCHER

A BILL FOR

1 An Act relating to the use of safety helmets by operators of,
2 and passengers on, motorcycles and motorized bicycles, and
3 making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 2132YH (2) 86
ns/nh



Iowa General Assembly
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H.F. 267

1 Section 1. Section 321.275, subsection 2, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *c. Helmets.*

4 (1) A person shall not operate a motorcycle or motorized
5 bicycle on a highway of this state if the operator or any
6 passenger is not wearing a safety helmet. A person shall
7 not ride as a passenger on a motorcycle or motorized bicycle
8 being operated on a highway of this state if the operator, the
9 person, or any other passenger is not wearing a safety helmet.

10 (2) For purposes of this paragraph "*c*", "*wearing a safety*
11 *helmet*" means having a safety helmet that complies with the
12 standards and specifications established in 49 C.F.R. §571.218
13 on the person's head that is fastened with the helmet straps
14 and that is of a size that fits the person's head securely
15 without excessive lateral or vertical movement. The department
16 shall adopt rules establishing guidelines for approved safety
17 helmets and shall maintain and publish a list of approved
18 safety helmets. The list need not be inclusive.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill requires the operator and passenger on a
23 motorcycle or motorized bicycle to each wear a safety helmet
24 when the vehicle is operated on a highway. The bill prohibits
25 a person from operating a motorcycle or motorized bicycle on
26 a highway if the operator or any passenger is not wearing a
27 safety helmet. The bill also prohibits a person from being a
28 passenger on a motorcycle or motorized bicycle if the operator
29 is not wearing a safety helmet.

30 The safety helmet must be in compliance with federal
31 regulations and must fit the person's head securely and be
32 fastened with helmet straps. The bill directs the department
33 of transportation to establish guidelines for motorcycle safety
34 helmets and to maintain and publish a list of approved helmets.

35 Pursuant to current law, a violation of motorcycle or

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H.F. 267

1 motorized bicycle provisions is a simple misdemeanor punishable
2 by a scheduled fine of \$35.



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House File 268 - Introduced

HOUSE FILE 268
BY ISENHART

A BILL FOR

1 An Act relating to eligible applicants for local watershed
2 improvement grants.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1254YH (1) 86
tr/sc



Iowa General Assembly
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H.F. 268

1 Section 1. Section 466A.4, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. Public water supply utilities, counties, county
4 conservation boards, ~~and cities,~~ and watershed management
5 authorities may also be eligible and apply for and receive
6 local watershed improvement grants for water quality
7 improvement projects. An applicant shall coordinate with a
8 local watershed improvement committee or a soil and water
9 conservation district and shall include in the application a
10 description of existing projects and any potential impact the
11 proposed project may have on existing or planned water quality
12 improvement projects.

13 Sec. 2. Section 466B.23, Code 2015, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 8. Apply for local watershed improvement
16 grants.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to eligible applicants for local watershed
21 improvement grants.

22 The bill adds watershed management authorities to the list
23 of entities eligible to apply for and receive local watershed
24 improvement grants. Watershed management authorities are
25 created by two or more political subdivisions through a Code
26 chapter 28E agreement, and the political subdivisions must be
27 located in the same United States geological survey hydrologic
28 unit code 8 watershed.

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House File 269 - Introduced

HOUSE FILE 269
BY STAED

A BILL FOR

- 1 An Act relating to academic indicators for students.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2302HH (2) 86
kh/rj



Iowa General Assembly
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H.F. 269

1 Section 1. Section 256.7, subsection 21, paragraph b,
2 unnumbered paragraph 1, Code 2015, is amended to read as
3 follows:

4 A set of core academic indicators in mathematics, and
5 reading, writing, and social studies in grades four, eight, and
6 eleven, a set of core academic indicators in science in grades
7 eight and eleven, and another set of core indicators that
8 includes but is not limited to graduation rate, postsecondary
9 education, and successful employment in Iowa.

10 Sec. 2. Section 261E.3, subsection 1, paragraph e, Code
11 2015, is amended to read as follows:

12 e. The student shall have demonstrated proficiency
13 in reading, writing, social studies, mathematics, and
14 science as evidenced by achievement scores on the latest
15 administration of the state assessment for which scores
16 are available and as defined by the department. However,
17 a student receiving competent private instruction under
18 chapter 299A may demonstrate proficiency by submitting the
19 written recommendation of the licensed practitioner providing
20 supervision to the student in accordance with section 299A.2;
21 may demonstrate proficiency as evidenced by achievement scores
22 on the annual achievement evaluation required under section
23 299A.4; or may demonstrate proficiency as evidenced by a
24 selection index, which is the sum of the critical reading,
25 mathematics, and writing skills assessments, of at least one
26 hundred forty-one on the preliminary scholastic aptitude
27 test administered by the college board; a composite score
28 of at least twenty-one on the college readiness assessment
29 administered by ACT, inc.; or a sum of the critical reading
30 and mathematics scores of at least nine hundred ninety on the
31 college readiness assessment administered by the college board.
32 If a student is not proficient in one or more of the content
33 areas listed in this paragraph, has not taken the college
34 readiness assessments identified in this paragraph, or has not
35 achieved the scores specified in this paragraph, the school

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1 board may establish alternative but equivalent qualifying
2 performance measures including but not limited to additional
3 administrations of the state assessment, portfolios of student
4 work, student performance rubric, or end-of-course assessments.

5 Sec. 3. Section 280.12, subsection 2, paragraph c, Code
6 2015, is amended to read as follows:

7 c. Long-range and annual improvement goals that include, but
8 are not limited to, the state indicators that address reading,
9 writing, social studies, mathematics, and science achievement.

10 Sec. 4. Section 284.12, subsection 1, paragraph a, Code
11 2015, is amended to read as follows:

12 a. Student achievement scores in mathematics, and reading,
13 writing, and social studies at the fourth and eighth grade
14 levels on a district-by-district basis as reported to the local
15 communities pursuant to section 256.7, subsection 21, paragraph
16 "c".

17 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
18 with section 25B.2, subsection 3, the state cost of requiring
19 compliance with any state mandate included in this Act shall
20 be paid by a school district from state school foundation aid
21 received by the school district under section 257.16. This
22 specification of the payment of the state cost shall be deemed
23 to meet all of the state funding-related requirements of
24 section 25B.2, subsection 3, and no additional state funding
25 shall be necessary for the full implementation of this Act
26 by and enforcement of this Act against all affected school
27 districts.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill adds to the academic indicators that the state
32 board of education must adopt for students in grades 4, 8,
33 and 11. Currently, students at those levels are assessed in
34 mathematics and reading, and students in grades 8 and 11 are
35 assessed in science. The bill adds writing and social studies

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1 to the academic indicators at grade levels 4, 8, and 11.

2 The bill makes corresponding changes relating to an annual
3 statewide progress report the department of education is
4 required to make available to the chairpersons and ranking
5 members of the senate and house committees on education, the
6 deans of the colleges of education at approved practitioner
7 preparation institutions in Iowa, the state board, the
8 governor, and school districts; to student eligibility criteria
9 for the senior year plus program; and to areas for which school
10 improvement advisory committees may submit recommendations for
11 school district and accredited nonpublic school goals.

12 The bill may include a state mandate as defined in Code
13 section 25B.3. The bill requires that the state cost of
14 any state mandate included in the bill be paid by a school
15 district from state school foundation aid received by the
16 school district under Code section 257.16. The specification
17 is deemed to constitute state compliance with any state mandate
18 funding-related requirements of Code section 25B.2. The
19 inclusion of this specification is intended to reinstate the
20 requirement of political subdivisions to comply with any state
21 mandates included in the bill.



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House File 270 - Introduced

HOUSE FILE 270
BY OLDSON, ANDERSON, and
FINKENAUER

(COMPANION TO SF 161 BY
PETERSEN)

A BILL FOR

1 An Act providing for additional weighting for eligible students
2 identified as limited English proficient who are enrolled in
3 the statewide preschool program for four-year-old children.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1734HH (1) 86
kh/sc



Iowa General Assembly
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H.F. 270

1 Section 1. Section 256C.5, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0d. "Preschool budget weighted enrollment"*
4 means the sum of the preschool budget enrollment plus the
5 supplementary weighting received under section 280.4,
6 subsection 4.

7 Sec. 2. Section 256C.5, subsection 1, paragraph d, Code
8 2015, is amended to read as follows:

9 *d. "Preschool foundation aid"* means the product of the
10 regular program state cost per pupil for the budget year
11 multiplied by the school district's preschool budget weighted
12 enrollment.

13 Sec. 3. Section 280.4, subsection 3, paragraph b, Code 2015,
14 is amended to read as follows:

15 *b.* For students enrolled in kindergarten through grade
16 twelve who are first determined to be limited English
17 proficient for a budget year beginning on or after July 1,
18 2010, the additional weighting provided under paragraph "a"
19 shall be included in the weighted enrollment of the school
20 district of residence for a cumulative period of time not
21 exceeding five years beginning with the budget year for
22 which the student was first determined to be limited English
23 proficient. The five years of eligibility for the additional
24 weighting need not be consecutive, does not include additional
25 weighting received for all or part of a year under subsection
26 4, and a student's eligibility for the additional weighting is
27 transferable to another district of residence.

28 Sec. 4. Section 280.4, Code 2015, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 4. For a budget year beginning on or after
31 July 1, 2015, in order to provide funds for the excess costs of
32 instruction of limited English proficient students, eligible
33 students, as defined in section 256C.5, who are enrolled in
34 the statewide preschool program under chapter 256C and who
35 have been identified as limited English proficient shall be

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1 assigned an additional weighting of eleven hundredths, and that
2 weighting shall be included in the preschool budget weighted
3 enrollment, as defined in section 256C.5, of the school
4 district of residence for the period of time the child is an
5 eligible student as defined in section 256C.5.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill provides for additional weighting of eleven
10 hundredths for students who are enrolled in the statewide
11 preschool program for four-year-old children if they are
12 identified as limited English proficient.

13 The bill provides that the additional weighting shall be
14 included in the preschool budget weighted enrollment, as
15 defined in the bill, of the school district of residence for
16 the budget year for which the eligible student was determined
17 to be limited English proficient. The five years of limited
18 English proficiency weighting received under current law for
19 students in kindergarten through grade 12 does not include the
20 year of limited English proficiency weighting received for an
21 eligible student enrolled in the statewide preschool program
22 for four-year-old children.



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House File 271 - Introduced

HOUSE FILE 271
BY FORRISTALL and GAINES

A BILL FOR

1 An Act relating to required core curriculum and twenty-first
2 century learning skills addressed in rules adopted by the
3 state board of education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2387HH (3) 86
kh/rj



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H.F. 271

1 Section 1. Section 256.7, subsection 26, paragraph a,
2 subparagraph (3), Code 2015, is amended to read as follows:

3 (3) The rules establishing a core curriculum shall address
4 the core content standards in subsection 28 and the skills and
5 knowledge students need to be successful in the twenty-first
6 century and shall address the curricular needs of students
7 in kindergarten through grade twelve in those areas. The
8 core curriculum shall include ~~social studies and~~ twenty-first
9 century learning skills which shall include but are not limited
10 to the following:

11 (a) Social studies, civic literacy, health literacy,
12 technology literacy, financial literacy, and employability
13 skills; and shall address the curricular needs of students in
14 kindergarten through grade twelve in those areas. ~~The state~~
15 ~~board shall further define the twenty-first century learning~~
16 ~~skills components by rule.~~

17 (b) Music, visual art, drama and theater, and other fine
18 and applied arts. The department shall employ a consultant
19 to oversee the development of and compliance with the fine
20 arts core curriculum and to provide guidance for professional
21 development programs, strategies, and materials based on the
22 rules adopted by the state board pursuant to this subparagraph
23 division.

24 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance with
25 Code section 25B.2, subsection 3, the state cost of requiring
26 compliance with any state mandate included in this Act shall
27 be paid by a school district from state school foundation aid
28 received by the school district under Code section 257.16.
29 This specification of the payment of the state cost shall be
30 deemed to meet all of the state funding-related requirements
31 of Code section 25B.2, subsection 3, and no additional state
32 funding shall be necessary for the full implementation of this
33 Act by and enforcement of this Act against all affected school
34 districts.

35

EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill modifies the required core curriculum and
4 twenty-first century learning skills and knowledge that the
5 state board of education is required to address in rule.

6 Currently, the required core curriculum includes English or
7 language arts, mathematics, science, and social studies; and
8 the necessary twenty-first century learning skills include but
9 are not limited to civic literacy, health literacy, technology
10 literacy, financial literacy, and employability skills. The
11 bill requires that such core curriculum and twenty-first
12 century learning skills include music, visual art, drama and
13 theater, and other fine and applied arts. The bill also
14 requires the department of education to employ a consultant
15 to oversee the development of and compliance with the fine
16 arts core curriculum and to provide guidance for professional
17 development programs, strategies, and materials based on
18 the rules relating to the fine arts core curriculum and the
19 twenty-first century fine arts learning skills adopted by the
20 state board.

21 The bill may include a state mandate as defined in Code
22 section 25B.3. The bill requires that the state cost of
23 any state mandate included in the bill be paid by a school
24 district from state school foundation aid received by the
25 school district under Code section 257.16. The specification
26 is deemed to constitute state compliance with any state mandate
27 funding-related requirements of Code section 25B.2. The
28 inclusion of this specification is intended to reinstate the
29 requirement of political subdivisions to comply with any state
30 mandates included in the bill.



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House File 272 - Introduced

HOUSE FILE 272

BY SALMON, FISHER, WILLS,
HEARTSILL, HOLT, SHEETS,
WATTS, and LANDON

A BILL FOR

1 An Act relating to the Iowa core curriculum and core content
2 standards applicable to students in kindergarten through
3 grade twelve and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1326HH (8) 86
kh/rj



**Iowa General Assembly
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H.F. 272

1 Section 1. Section 256.7, subsection 21, paragraph b,
2 subparagraphs (2) and (3), Code 2015, are amended to read as
3 follows:

4 (2) Notwithstanding subparagraph (1), for the school year
5 beginning July 1, 2016, and each succeeding school year, the
6 rules shall provide that all students enrolled in school
7 districts in grades three through eleven shall be administered
8 an assessment during the last quarter of the school year that
9 at a minimum assesses the core academic indicators identified
10 in this paragraph "b"; ~~is aligned with the Iowa common core~~
11 ~~standards in both content and rigor~~; accurately describes
12 student achievement and growth for purposes of the school, the
13 school district, and state accountability systems; and provides
14 valid, reliable, and fair measures of student progress toward
15 college or career readiness.

16 (3) The director shall establish an assessment task force
17 to review and make recommendations for a statewide assessment
18 of student progress on the core academic indicators identified
19 pursuant to this paragraph "b". The task force shall recommend
20 a statewide assessment that is ~~aligned to the Iowa common core~~
21 ~~standards and is~~, at a minimum, valid, reliable, tested, and
22 piloted in Iowa. In addition, in developing recommendations,
23 the task force shall consider the costs to school districts and
24 the state in providing and administering such an assessment and
25 the technical support necessary to implement the assessment.
26 The task force shall submit its recommendations in a report
27 to the director, the state board, and the general assembly by
28 January 1, 2015. The task force shall assist with the final
29 development and implementation of the assessment administered
30 pursuant to subparagraph (2). The task force members shall
31 include but not be limited to teachers, school administrators,
32 business leaders, representatives of state agencies, and
33 members of the general public. This subparagraph is repealed
34 July 1, 2020.

35 Sec. 2. Section 256.7, subsection 21, paragraph c, Code

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1 2015, is amended to read as follows:

2 c. A requirement that all school districts and accredited
3 nonpublic schools annually report to the department and the
4 local community the district-wide progress made in attaining
5 student achievement goals on the academic and other core
6 indicators and the district-wide progress made in attaining
7 locally established student learning goals. The school
8 districts and accredited nonpublic schools shall demonstrate
9 the use of multiple assessment measures in determining student
10 achievement levels. The school districts and accredited
11 nonpublic schools shall also report the number of students
12 who graduate; the number of students who drop out of school;
13 the number of students who are tested and the percentage of
14 students who are so tested annually; and the percentage of
15 students who graduated during the prior school year ~~and who~~
16 ~~completed a core curriculum~~. The board shall develop and
17 adopt uniform definitions consistent with the federal No Child
18 Left Behind Act of 2001, Pub. L. No. 107-110 and any federal
19 regulations adopted pursuant to the federal Act. The school
20 districts and accredited nonpublic schools may report on other
21 locally determined factors influencing student achievement.
22 The school districts and accredited nonpublic schools shall
23 also report to the local community their results by individual
24 attendance center.

25 Sec. 3. Section 256.7, subsection 26, paragraph a,
26 unnumbered paragraph 1, Code 2015, is amended to read as
27 follows:

28 Adopt rules that establish ~~a core curriculum~~ and high school
29 graduation requirements for all students in school districts
30 and accredited nonpublic schools that include at a minimum
31 satisfactory completion of four years of English and language
32 arts, three years of mathematics, three years of science, and
33 three years of social studies. Schools are encouraged to
34 include in locally developed standards the skills and knowledge
35 students need to be successful in the twenty-first century,

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1 including but not limited to civic literacy, health literacy,
2 technology literacy, financial literacy, and employability
3 skills.

4 Sec. 4. Section 256.7, subsection 26, paragraph a,
5 subparagraph (3), Code 2015, is amended by striking the
6 subparagraph.

7 Sec. 5. Section 256.7, subsection 26, paragraph b, Code
8 2015, is amended by striking the paragraph.

9 Sec. 6. Section 256.7, subsection 26, paragraph c, Code
10 2015, is amended to read as follows:

11 c. Neither the state board nor the department shall require
12 school districts or accredited nonpublic schools to adopt a
13 specific textbook, textbook series, or specific instructional
14 methodology, or acquire specific textbooks, curriculum
15 materials, or educational products from a specific vendor
16 ~~in order to meet the core curriculum requirements of this~~
17 ~~subsection or the core content standards adopted pursuant to~~
18 ~~subsection 28.~~

19 Sec. 7. Section 256.7, subsection 26, Code 2015, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. d. Adopt rules prohibiting the department
22 from adopting and implementing statewide core curriculum
23 standards. School districts and accredited nonpublic schools
24 are strongly encouraged to set high expectations in locally
25 developed core content standards.

26 Sec. 8. Section 256.7, subsection 28, Code 2015, is amended
27 to read as follows:

28 28. Adopt a set of ~~core content~~ assessment standards
29 applicable to all students in kindergarten through grade twelve
30 in every school district and accredited nonpublic school. For
31 purposes of this subsection, "~~core content~~ assessment standards"
32 includes reading, mathematics, and science. The ~~core content~~
33 assessment standards shall be identical to the core content
34 standards included in Iowa's approved 2006 standards and
35 assessment system under Tit. I of the federal Elementary and

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1 Secondary Education Act of 1965, 20 U.S.C. §6301 et seq., as
2 amended by the federal No Child Left Behind Act of 2001, Pub.
3 L. No. 107-110. ~~School districts and accredited nonpublic~~
4 ~~schools shall include, at a minimum, the core content standards~~
5 ~~adopted pursuant to this subsection in any set of locally~~
6 ~~developed content standards. School districts and accredited~~
7 ~~nonpublic schools are strongly encouraged to set higher~~
8 ~~expectations in local standards. As changes in federal law or~~
9 ~~regulation occur, the state board is authorized to amend the~~
10 ~~core content standards as appropriate.~~

11 Sec. 9. Section 256.7, Code 2015, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 33. Adopt rules prohibiting the department
14 from adopting and implementing the next generation science
15 standards.

16 Sec. 10. Section 256.9, subsection 53, paragraph a, Code
17 2015, is amended to read as follows:

18 a. Develop and distribute, in collaboration with the area
19 education agencies, ~~core curriculum~~ technical assistance and
20 implementation strategies that school districts and accredited
21 nonpublic schools shall utilize, including but not limited to
22 the development and delivery of formative and end-of-course
23 model assessments classroom teachers may use to measure student
24 progress ~~on the core curriculum adopted pursuant to section~~
25 ~~256.7, subsection 26. The department shall, in collaboration~~
26 ~~with the advisory group convened in accordance with paragraph~~
27 ~~"b" and educational assessment providers, identify and make~~
28 ~~available to school districts end-of-course and additional~~
29 ~~model end-of-course and additional assessments to align with~~
30 ~~the expectations included in the Iowa core curriculum. The~~
31 model assessments shall be suitable to meet the multiple
32 assessment measures requirement specified in section 256.7,
33 subsection 21, paragraph "c".

34 Sec. 11. Section 256.9, subsection 54, Code 2015, is amended
35 by striking the subsection.

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Iowa General Assembly
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1 Sec. 12. Section 256.40, subsection 2, paragraph e, Code
2 2015, is amended to read as follows:

3 e. Integrate services provided through the program with
4 other career exploration-related activities such as the student
5 ~~core-curriculum~~ graduation plan and the career information and
6 decision-making system developed and administered under section
7 279.61, where appropriate.

8 Sec. 13. Section 256.42, subsection 6, Code 2015, is amended
9 to read as follows:

10 6. Coursework offered under the initiative shall be
11 rigorous and high quality, and the department shall annually
12 evaluate the quality of the courses and ensure that coursework
13 is aligned with the ~~state's~~ Iowa core curriculum ~~and core~~
14 ~~content requirements and standards~~, as well as national
15 standards of quality for online courses issued by an
16 internationally recognized association for kindergarten through
17 grade twelve online learning.

18 Sec. 14. Section 257.11, subsection 9, Code 2015, is amended
19 to read as follows:

20 9. *Shared classes and curriculum standards.* A school
21 district shall ensure that any course made available to a
22 student through any sharing agreement between the school
23 district and a community college or any other entity providing
24 course programming pursuant to this section to students
25 enrolled in the school district meets the expectations
26 contained in ~~the core curriculum adopted pursuant to~~ section
27 256.7, subsection 26. The school district shall ensure that
28 any course that has the capacity to generate college credit
29 shall be equivalent to college-level work.

30 Sec. 15. Section 258.4, subsection 8, Code 2015, is amended
31 to read as follows:

32 8. Establish a minimum set of competencies ~~and core~~
33 ~~curriculum~~ for approval of a vocational program sequence that
34 addresses the following: new and emerging technologies;
35 job-seeking, job-keeping, and other employment skills,

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1 including self-employment and entrepreneurial skills, that
2 reflect current industry standards, leadership skills,
3 entrepreneurial, and labor-market needs; and the strengthening
4 of basic academic skills.

5 Sec. 16. Section 260C.14, subsection 22, paragraph b, Code
6 2015, is amended to read as follows:

7 b. Collaborate with the state board of regents to meet
8 the requirements specified in section 262.9, subsection 33,
9 including but not limited to developing a systematic process
10 for expanding academic discipline and meetings between the
11 community college faculty and faculty of the institutions
12 of higher education governed by the state board of regents,
13 ~~developing criteria to prioritize core curriculum areas,~~
14 promoting greater awareness of articulation-related activities,
15 facilitating additional opportunities for individual
16 institutions to pursue program articulation agreements for
17 career and technical educational programs, and developing
18 and implementing a process to examine a minimum of eight
19 new associate of applied science degree programs for which
20 articulation agreements would serve students' continued
21 academic success in those degree programs.

22 Sec. 17. Section 261E.4, subsection 4, Code 2015, is amended
23 to read as follows:

24 4. A school district shall establish prerequisite
25 coursework for each advanced placement course offered and shall
26 describe the prerequisites in the course registration handbook,
27 which shall be provided to every junior high school or middle
28 school student prior to the development of a ~~core curriculum~~
29 graduation plan pursuant to section 279.61.

30 Sec. 18. Section 261E.6, subsection 2, Code 2015, is amended
31 to read as follows:

32 2. *Notification.* The availability and requirements of this
33 program shall be included in each school district's student
34 registration handbook. Information about the program shall be
35 provided to the student and the student's parent or guardian

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1 prior to the development of the student's ~~core-curriculum~~
2 graduation plan under section 279.61. The school district
3 shall establish a process by which students may indicate
4 interest in and apply for enrollment in the program.

5 Sec. 19. Section 261E.8, subsection 1, Code 2015, is amended
6 to read as follows:

7 1. A district-to-community college sharing or concurrent
8 enrollment program is established to be administered by the
9 department to promote rigorous academic or career and technical
10 pursuits and to provide a wider variety of options to high
11 school students to enroll part-time in eligible nonsectarian
12 courses at or through community colleges established under
13 chapter 260C. The program shall be made available to all
14 resident students in grades nine through twelve. Notice of
15 the availability of the program shall be included in a school
16 district's student registration handbook and the handbook shall
17 identify which courses, if successfully completed, generate
18 college credit under the program. A student and the student's
19 parent or legal guardian shall also be made aware of this
20 program as a part of the development of the student's ~~core~~
21 ~~curriculum~~ graduation plan in accordance with section 279.61.

22 Sec. 20. Section 261E.9, subsection 2, paragraph b, Code
23 2015, is amended to read as follows:

24 b. A regional academy may include in its curriculum virtual
25 or internet-based coursework and courses delivered via the Iowa
26 communications network, career and technical courses, ~~core~~
27 ~~curriculum-coursework~~, courses required pursuant to section
28 256.7, subsection 26, or section 256.11, subsections 4 and 5,
29 and asynchronous learning networks.

30 Sec. 21. Section 261E.9, subsection 4, Code 2015, is amended
31 to read as follows:

32 4. Information regarding regional academies shall be
33 provided to a student and the student's parent or guardian
34 prior to the development of the student's ~~core-curriculum~~
35 graduation plan under section 279.61.

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1 Sec. 22. Section 261E.10, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. Information regarding career academies shall be provided
4 by the school district to a student and the student's parent
5 or guardian prior to the development of the student's ~~core~~
6 ~~curriculum~~ graduation plan under section 279.61.

7 Sec. 23. Section 262.9, subsection 33, paragraph c, Code
8 2015, is amended by striking the paragraph.

9 Sec. 24. Section 279.61, Code 2015, is amended to read as
10 follows:

11 **279.61 Student plan for progress toward university admissions**
12 **— report.**

13 1. ~~For the school year beginning July 1, 2008, and each~~
14 ~~succeeding school year, the~~ The board of directors of each
15 school district shall cooperate with each student enrolled
16 in grade eight to develop for the student a ~~core curriculum~~
17 plan to guide the student toward the goal of successfully
18 completing, at a minimum, the ~~core curriculum developed~~ high
19 school graduation requirements adopted by the state board of
20 education pursuant to section 256.7, subsection 26, by the
21 time the student graduates from high school. The plan shall
22 include career options and shall identify the coursework
23 needed in grades nine through twelve to support the student's
24 postsecondary education and career options. Additionally, the
25 plan shall include a timeline for each student to successfully
26 complete, prior to graduation, all components of the
27 state-designated career information and decision-making system
28 administered by the department in accordance with section 118
29 of the federal Carl D. Perkins Career and Technical Education
30 Improvement Act of 2006, Pub. L. No. 109-270. The student's
31 parent or guardian shall sign the ~~core curriculum~~ graduation
32 plan developed with the student and the signed plan shall be
33 included in the student's cumulative records.

34 2. ~~For the school year beginning July 1, 2008, and each~~
35 ~~succeeding school year, the~~ The board of directors of each

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1 school district shall report annually to each student enrolled
2 in grades nine through twelve in the school district, and, if
3 the student is under the age of eighteen, to each student's
4 parent or guardian, the student's progress toward meeting the
5 goal of successfully completing the ~~core curriculum~~ and high
6 school graduation requirements adopted by the state board of
7 education pursuant to section 256.7, subsection 26.

8 Sec. 25. Section 280.3, subsection 3, Code 2015, is amended
9 by striking the subsection.

10 Sec. 26. EFFECTIVE UPON ENACTMENT. This Act, being deemed
11 of immediate importance, takes effect upon enactment.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill eliminates requirements and references to the
16 (Iowa) core curriculum and to core content standards, but
17 continues to direct the state board of education to adopt high
18 school graduation requirements and assessment standards.

19 The bill requires the state board to adopt rules prohibiting
20 the department from adopting and implementing statewide core
21 curriculum standards. However, schools are strongly encouraged
22 to set high expectations in locally developed core content
23 standards and are also encouraged to include in locally
24 developed standards 21st century skills. The bill also directs
25 the state board of education to adopt rules prohibiting the
26 department of education from adopting and implementing the
27 next generation science standards as developed by the national
28 research council and cooperating states.

29 Provisions directing school districts to cooperate with each
30 eighth grade student on a core curriculum plan to meet core
31 curriculum requirements are amended to replace "core curriculum
32 plan" with "graduation plan" and "core curriculum requirements"
33 with "high school graduation requirements". The term "core
34 content standards", which was used to describe the assessment
35 standards adopted by the state board, is replaced with the term

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1 "assessment standards". The assessment standards will remain
2 applicable to all students in kindergarten through grade 12 in
3 every school district and accredited nonpublic school.
4 The bill makes technical and corresponding changes to
5 provisions which contain references to the language stricken.
6 The bill takes effect upon enactment.



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House File 273 - Introduced

HOUSE FILE 273

BY SALMON, WILLS, FISHER,
GUSTAFSON, HEARTSILL, HOLT,
RIZER, GASSMAN, WINDSCHITL,
SHEETS, WATTS, and LANDON

A BILL FOR

1 An Act relating to academic and assessment standards for school
2 districts and accredited nonpublic schools.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, subsection 21, paragraph b,
2 subparagraphs (2) and (3), Code 2015, are amended to read as
3 follows:

4 (2) Notwithstanding subparagraph (1), for the school year
5 beginning July 1, 2016, and each succeeding school year, the
6 rules shall provide that all students enrolled in school
7 districts in grades three through eleven shall be administered
8 an assessment during the last quarter of the school year that
9 at a minimum assesses the core academic indicators identified
10 in this paragraph "b"; is aligned with the Iowa ~~common-core~~
11 content standards in both content and rigor; accurately
12 describes student achievement and growth for purposes of the
13 school, the school district, and state accountability systems;
14 and provides valid, reliable, and fair measures of student
15 progress toward college or career readiness.

16 (3) The director shall establish an assessment task
17 force to review and make recommendations for a statewide
18 assessment of student progress on the core academic indicators
19 identified pursuant to this paragraph "b". The task force
20 shall recommend a statewide assessment that is aligned to
21 the Iowa ~~common-core~~ content standards and is, at a minimum,
22 valid, reliable, tested, and piloted in Iowa. In addition,
23 in developing recommendations, the task force shall consider
24 the costs to school districts and the state in providing and
25 administering such an assessment and the technical support
26 necessary to implement the assessment. The task force shall
27 submit its recommendations in a report to the director, the
28 state board, and the general assembly by January 1, 2015.
29 The task force shall assist with the final development and
30 implementation of the assessment administered pursuant to
31 subparagraph (2). The task force members shall include but
32 not be limited to teachers, school administrators, business
33 leaders, representatives of state agencies, and members of the
34 general public. This subparagraph is repealed July 1, 2020.

35 Sec. 2. Section 256.7, subsection 21, paragraph c, Code

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1 2015, is amended to read as follows:

2 c. A requirement that all school districts and accredited
3 nonpublic schools annually report to the department and the
4 local community the district-wide progress made in attaining
5 student achievement goals on the academic and other core
6 indicators and the district-wide progress made in attaining
7 locally established student learning goals. The school
8 districts and accredited nonpublic schools shall demonstrate
9 the use of multiple assessment measures in determining student
10 achievement levels. The school districts and accredited
11 nonpublic schools shall also report the number of students
12 who graduate; the number of students who drop out of school;
13 the number of students who are tested and the percentage of
14 students who are so tested annually; and the percentage of
15 students who graduated during the prior school year and who
16 completed ~~a core curriculum~~ the Iowa content standards. The
17 board shall develop and adopt uniform definitions consistent
18 with the federal No Child Left Behind Act of 2001, Pub. L. No.
19 107-110 and any federal regulations adopted pursuant to the
20 federal Act. The school districts and accredited nonpublic
21 schools may report on other locally determined factors
22 influencing student achievement. The school districts and
23 accredited nonpublic schools shall also report to the local
24 community their results by individual attendance center.

25 Sec. 3. Section 256.7, subsection 26, paragraph a,
26 unnumbered paragraph 1, Code 2015, is amended to read as
27 follows:

28 Adopt rules that establish ~~a core curriculum and the Iowa~~
29 content standards, which school districts and accredited
30 nonpublic schools may elect to use, in whole or in part, at the
31 discretion of the school district or school. The state board
32 shall also adopt high school graduation requirements for all
33 students in school districts and accredited nonpublic schools
34 that include at a minimum satisfactory completion of four years
35 of English and language arts, three years of mathematics, three

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1 years of science, and three years of social studies.

2 Sec. 4. Section 256.7, subsection 26, paragraph a,
3 subparagraph (3), Code 2015, is amended to read as follows:

4 (3) The rules establishing a ~~core curriculum~~ the Iowa
5 content standards shall address the ~~core content~~ assessment
6 standards in subsection 28 and the skills and knowledge
7 students need to be successful in the twenty-first century.
8 The ~~core curriculum~~ Iowa content standards shall include
9 social studies and twenty-first century learning skills which
10 include but are not limited to civic literacy, health literacy,
11 technology literacy, financial literacy, and employability
12 skills; and shall address the curricular needs of students in
13 kindergarten through grade twelve in those areas. The state
14 board shall further define the twenty-first century learning
15 skills components by rule.

16 Sec. 5. Section 256.7, subsection 26, paragraph b, Code
17 2015, is amended by striking the paragraph.

18 Sec. 6. Section 256.7, subsection 26, paragraph c, Code
19 2015, is amended to read as follows:

20 c. Neither the state board nor the department shall require
21 school districts or accredited nonpublic schools to adopt a
22 specific textbook, textbook series, or specific instructional
23 methodology, or acquire specific textbooks, curriculum
24 materials, or educational products from a specific vendor
25 in order to meet the ~~core curriculum~~ requirements of this
26 subsection or the ~~core content~~ assessment standards adopted
27 pursuant to subsection 28.

28 Sec. 7. Section 256.7, subsection 28, Code 2015, is amended
29 to read as follows:

30 28. Adopt a set of ~~core content~~ assessment standards
31 applicable to all students in kindergarten through grade twelve
32 in every school district and accredited nonpublic school.
33 For purposes of this subsection, "~~core content~~ assessment
34 standards" includes reading, mathematics, and science. The ~~core~~
35 ~~content~~ assessment standards shall be identical to the ~~core~~

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1 ~~content~~ assessment standards included in Iowa's approved 2006
2 standards and assessment system under Tit. I of the federal
3 Elementary and Secondary Education Act of 1965, 20 U.S.C. §6301
4 et seq., as amended by the federal No Child Left Behind Act of
5 2001, Pub. L. No. 107-110. School districts and accredited
6 nonpublic schools shall include, at a minimum, the ~~core content~~
7 assessment standards adopted pursuant to this subsection in any
8 set of locally developed content standards. School districts
9 and accredited nonpublic schools are strongly encouraged to set
10 higher expectations in local standards. ~~As changes in federal~~
11 ~~law or regulation occur, the state board is authorized to amend~~
12 ~~the core content standards as appropriate.~~

13 Sec. 8. Section 256.9, subsection 53, paragraph a, Code
14 2015, is amended to read as follows:

15 a. Develop and distribute, in collaboration with the area
16 education agencies, ~~core curriculum~~ Iowa content standards
17 technical assistance and implementation strategies that school
18 districts and accredited nonpublic schools ~~shall~~ may utilize,
19 including but not limited to the development and delivery
20 of formative and end-of-course model assessments classroom
21 teachers may use to measure student progress on the ~~core~~
22 ~~curriculum~~ content standards adopted pursuant to section
23 256.7, subsection 26. The department shall, in collaboration
24 with the advisory group convened in accordance with paragraph
25 "b" and educational assessment providers, identify and make
26 available to school districts end-of-course and additional
27 model end-of-course and additional assessments to align with
28 the expectations included in the Iowa ~~core curriculum~~ content
29 standards. The model assessments shall be suitable to meet the
30 multiple assessment measures requirement specified in section
31 256.7, subsection 21, paragraph "c".

32 Sec. 9. Section 256.9, subsection 54, Code 2015, is amended
33 to read as follows:

34 54. Submit an annual report to the general assembly by
35 January 1 regarding activities, findings, and student progress

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1 under the ~~core curriculum~~ Iowa content standards established
2 pursuant to section 256.7, subsection 26. The annual report
3 shall include the state board's findings and recommendations.

4 Sec. 10. Section 256.40, subsection 2, paragraph e, Code
5 2015, is amended to read as follows:

6 e. Integrate services provided through the program with
7 other career exploration-related activities such as the student
8 ~~core curriculum~~ graduation plan and the career information and
9 decision-making system developed and administered under section
10 279.61, where appropriate.

11 Sec. 11. Section 256.42, subsection 6, Code 2015, is amended
12 to read as follows:

13 6. Coursework offered under the initiative shall be
14 rigorous and high quality, and the department shall annually
15 evaluate the quality of the courses and ensure that coursework
16 is aligned with the ~~state's core curriculum and core~~ Iowa
17 content requirements standards and the assessment standards, as
18 well as national standards of quality for online courses issued
19 by an internationally recognized association for kindergarten
20 through grade twelve online learning.

21 Sec. 12. Section 257.11, subsection 9, Code 2015, is amended
22 to read as follows:

23 9. *Shared classes and curriculum standards.* A school
24 district shall ensure that any course made available to a
25 student through any sharing agreement between the school
26 district and a community college or any other entity providing
27 course programming pursuant to this section to students
28 enrolled in the school district meets the expectations
29 contained in the ~~core curriculum adopted pursuant to~~ section
30 256.7, subsection 26. The school district shall ensure that
31 any course that has the capacity to generate college credit
32 shall be equivalent to college-level work.

33 Sec. 13. Section 258.4, subsection 8, Code 2015, is amended
34 to read as follows:

35 8. Establish a minimum set of competencies and ~~core~~

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1 ~~curriculum~~ content standards for approval of a vocational
2 program sequence that addresses the following: new and
3 emerging technologies; job-seeking, job-keeping, and
4 other employment skills, including self-employment and
5 entrepreneurial skills, that reflect current industry
6 standards, leadership skills, entrepreneurial, and labor-market
7 needs; and the strengthening of basic academic skills.

8 Sec. 14. Section 260C.14, subsection 22, paragraph b, Code
9 2015, is amended to read as follows:

10 b. Collaborate with the state board of regents to meet
11 the requirements specified in section 262.9, subsection 33,
12 including but not limited to developing a systematic process
13 for expanding academic discipline and meetings between the
14 community college faculty and faculty of the institutions
15 of higher education governed by the state board of regents,
16 developing criteria to prioritize ~~core curriculum areas~~
17 Iowa content standards, promoting greater awareness of
18 articulation-related activities, facilitating additional
19 opportunities for individual institutions to pursue program
20 articulation agreements for career and technical educational
21 programs, and developing and implementing a process to
22 examine a minimum of eight new associate of applied science
23 degree programs for which articulation agreements would serve
24 students' continued academic success in those degree programs.

25 Sec. 15. Section 261E.4, subsection 4, Code 2015, is amended
26 to read as follows:

27 4. A school district shall establish prerequisite
28 coursework for each advanced placement course offered and shall
29 describe the prerequisites in the course registration handbook,
30 which shall be provided to every junior high school or middle
31 school student prior to the development of a ~~core curriculum~~
32 graduation plan pursuant to section 279.61.

33 Sec. 16. Section 261E.6, subsection 2, Code 2015, is amended
34 to read as follows:

35 2. *Notification.* The availability and requirements of this

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1 program shall be included in each school district's student
2 registration handbook. Information about the program shall be
3 provided to the student and the student's parent or guardian
4 prior to the development of the student's ~~core curriculum~~
5 graduation plan under section 279.61. The school district
6 shall establish a process by which students may indicate
7 interest in and apply for enrollment in the program.

8 Sec. 17. Section 261E.8, subsection 1, Code 2015, is amended
9 to read as follows:

10 1. A district-to-community college sharing or concurrent
11 enrollment program is established to be administered by the
12 department to promote rigorous academic or career and technical
13 pursuits and to provide a wider variety of options to high
14 school students to enroll part-time in eligible nonsectarian
15 courses at or through community colleges established under
16 chapter 260C. The program shall be made available to all
17 resident students in grades nine through twelve. Notice of
18 the availability of the program shall be included in a school
19 district's student registration handbook and the handbook shall
20 identify which courses, if successfully completed, generate
21 college credit under the program. A student and the student's
22 parent or legal guardian shall also be made aware of this
23 program as a part of the development of the student's ~~core~~
24 ~~curriculum~~ graduation plan in accordance with section 279.61.

25 Sec. 18. Section 261E.9, subsection 2, paragraph b, Code
26 2015, is amended to read as follows:

27 b. A regional academy may include in its curriculum virtual
28 or internet-based coursework and courses delivered via the Iowa
29 communications network, career and technical courses, ~~core~~
30 ~~curriculum~~ Iowa content standards coursework, courses required
31 pursuant to section 256.7, subsection 26, or section 256.11,
32 subsections 4 and 5, and asynchronous learning networks.

33 Sec. 19. Section 261E.9, subsection 4, Code 2015, is amended
34 to read as follows:

35 4. Information regarding regional academies shall be

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1 provided to a student and the student's parent or guardian
2 prior to the development of the student's ~~core curriculum~~
3 graduation plan under section 279.61.

4 Sec. 20. Section 261E.10, subsection 4, Code 2015, is
5 amended to read as follows:

6 4. Information regarding career academies shall be provided
7 by the school district to a student and the student's parent
8 or guardian prior to the development of the student's ~~core~~
9 curriculum graduation plan under section 279.61.

10 Sec. 21. Section 262.9, subsection 33, paragraph c, Code
11 2015, is amended to read as follows:

12 c. Develop criteria to prioritize ~~core curriculum areas~~ the
13 Iowa content standards and create or review transition guides
14 for the ~~core curriculum areas~~ Iowa content standards.

15 Sec. 22. Section 279.61, Code 2015, is amended to read as
16 follows:

17 **279.61 Student plan for progress toward university admissions**
18 **— report.**

19 1. ~~For the school year beginning July 1, 2008, and each~~
20 ~~succeeding school year, the~~ The board of directors of each
21 school district shall cooperate with each student enrolled
22 in grade eight to develop for the student a ~~core curriculum~~
23 plan to guide the student toward the goal of successfully
24 completing, at a minimum, the ~~core curriculum developed high~~
25 school graduation requirements adopted by the state board of
26 education pursuant to section 256.7, subsection 26, by the
27 time the student graduates from high school. The plan shall
28 include career options and shall identify the coursework
29 needed in grades nine through twelve to support the student's
30 postsecondary education and career options. Additionally, the
31 plan shall include a timeline for each student to successfully
32 complete, prior to graduation, all components of the
33 state-designated career information and decision-making system
34 administered by the department in accordance with section 118
35 of the federal Carl D. Perkins Career and Technical Education

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1 Improvement Act of 2006, Pub. L. No. 109-270. The student's
2 parent or guardian shall sign the ~~core curriculum~~ graduation
3 plan developed with the student and the signed plan shall be
4 included in the student's cumulative records.

5 2. ~~For the school year beginning July 1, 2008, and each~~
6 ~~succeeding school year, the~~ The board of directors of each
7 school district shall report annually to each student enrolled
8 in grades nine through twelve in the school district, and, if
9 the student is under the age of eighteen, to each student's
10 parent or guardian, the student's progress toward meeting the
11 goal of successfully completing the ~~core curriculum~~ and high
12 school graduation requirements adopted by the state board of
13 education pursuant to section 256.7, subsection 26.

14 Sec. 23. Section 280.3, subsection 3, Code 2015, is amended
15 by striking the subsection.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill continues to direct the state board of education
20 to adopt sets of academic and assessment standards, but amends
21 the terms used to describe the standards and makes use of the
22 academic standards by school districts and accredited nonpublic
23 schools voluntary. The bill also strikes language that
24 authorizes the state board to amend the core content standards
25 as changes in federal law or regulation occur.

26 The bill replaces the terms "core curriculum", "Iowa
27 core curriculum", and "Iowa common core", which were used to
28 describe the academic standards adopted by the state board,
29 with the term "Iowa content standards". Also, provisions
30 directing school districts to cooperate with each eighth grade
31 student on a core curriculum plan to meet core curriculum
32 requirements are amended to replace "core curriculum plan"
33 with "graduation plan" and "core curriculum requirements"
34 with "high school graduation requirements". The term "core
35 content standards", which was used to describe the assessment

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1 standards adopted by the state board, is replaced with the
2 term "assessment standards". The assessment standards will
3 remain applicable to all students in kindergarten through
4 grade 12 in every school district and accredited nonpublic
5 school. Corresponding changes are made throughout the Code,
6 and obsolete language is eliminated.



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House File 274 - Introduced

HOUSE FILE 274
BY DOLECHECK

A BILL FOR

1 An Act relating to kindergarten programs offered by school
2 districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, subsection 19, unnumbered
2 paragraph 1, Code 2015, is amended to read as follows:

3 For a school or school district with a school calendar
4 measuring instructional time in days pursuant to section
5 279.10, subsection 1, define the minimum school day as a day
6 consisting of six hours of instructional time for ~~grades one~~
7 kindergarten through grade twelve. The minimum hours shall be
8 exclusive of the lunch period, but may include passing time
9 between classes. Time spent on parent-teacher conferences
10 shall be considered instructional time. A school or school
11 district may record a day of school with less than the minimum
12 instructional hours as a minimum school day if any of the
13 following apply:

14 Sec. 2. Section 256.7, subsection 19, paragraph b, Code
15 2015, is amended to read as follows:

16 b. If the total hours of instructional school time for
17 ~~grades one~~ kindergarten through grade twelve for any five
18 consecutive school days equal a minimum of thirty hours,
19 even though any one day of school is less than the minimum
20 instructional hours because of a staff development opportunity
21 provided for the professional instructional staff or because
22 parent-teacher conferences have been scheduled beyond the
23 regular school day. Furthermore, if the total hours of
24 instructional time for the first four consecutive days equal at
25 least thirty hours because parent-teacher conferences have been
26 scheduled beyond the regular school day, a school or school
27 district may record zero hours of instructional time on the
28 fifth consecutive school day as a minimum school day.

29 Sec. 3. Section 256.9, subsection 33, paragraph a,
30 subparagraphs (2) and (3), Code 2015, are amended to read as
31 follows:

32 (2) Assist school districts in the development of child
33 care services and programs to complement ~~half-day and all-day~~
34 kindergarten programs.

35 (3) Assist school districts in the development of

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kh/rj

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H.F. 274

1 appropriate curricula for ~~all-day, everyday~~ kindergarten
2 programs.

3 Sec. 4. Section 256D.2A, Code 2015, is amended to read as
4 follows:

5 **256D.2A Program funding.**

6 For the budget year beginning July 1, 2009, and each
7 succeeding budget year, a school district shall expend funds
8 received pursuant to section 257.10, subsection 11, at the
9 kindergarten through grade three levels to reduce class sizes
10 to the state goal of seventeen students for every one teacher
11 and to achieve a higher level of student success in the basic
12 skills, especially reading. In order to support these efforts,
13 school districts may expend funds received pursuant to section
14 257.10, subsection 11, at the kindergarten through grade three
15 level on programs, instructional support, and materials that
16 include but are not limited to the following: additional
17 licensed instructional staff; additional support for students,
18 such as before and after school programs, tutoring, and
19 intensive summer programs; the acquisition and administration
20 of diagnostic reading assessments; the implementation of
21 research-based instructional intervention programs for students
22 needing additional support; the implementation of ~~all-day,~~
23 ~~everyday~~ kindergarten programs; and the provision of classroom
24 teachers with intensive training programs to improve reading
25 instruction and professional development in best practices
26 including but not limited to training programs related to
27 instruction to increase students' phonemic awareness, reading
28 abilities, and comprehension skills.

29 Sec. 5. Section 279.51, subsection 2, paragraph a,
30 subparagraph (2), subparagraph division (a), Code 2015, is
31 amended to read as follows:

32 (a) To school districts to establish programs for
33 three-year-old, four-year-old, and five-year-old at-risk
34 children which are a combination of preschool and ~~full-day~~
35 kindergarten.

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1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill makes kindergarten programs offered by school
5 districts subject to the minimum school day and instructional
6 requirements that currently apply to grades 1 through 12. The
7 bill eliminates references to half-day, full-day, and everyday
8 kindergarten programs.

9 Currently, students enrolled in kindergarten, whether in
10 full-day or half-day programs, are counted as one pupil for
11 purposes of state school foundation aid received by a school
12 district pursuant to Code chapter 257.



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House File 275 - Introduced

HOUSE FILE 275
BY HUNTER

A BILL FOR

1 An Act relating to the eligibility of certain individuals
2 employed by educational institutions for unemployment
3 insurance benefits between two successive academic years or
4 terms.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2304YH (2) 86
je/rj



Iowa General Assembly
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H.F. 275

1 Section 1. Section 96.4, subsection 5, paragraph b, Code
2 2015, is amended by striking the paragraph.

3 Sec. 2. Section 96.4, subsection 5, paragraph c, Code 2015,
4 is amended to read as follows:

5 c. With respect to services for an educational institution
6 in any capacity under paragraph "a" or ~~"b"~~, benefits shall not
7 be paid to an individual for any week of unemployment which
8 begins during an established and customary vacation period
9 or holiday recess if the individual performs the services in
10 the period immediately before such vacation period or holiday
11 recess, and the individual has reasonable assurance that the
12 individual will perform the services in the period immediately
13 following such vacation period or holiday recess.

14 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
15 with section 25B.2, subsection 3, the state cost of requiring
16 compliance with any state mandate included in this Act shall
17 be paid by a school district from state school foundation aid
18 received by the school district under section 257.16. This
19 specification of the payment of the state cost shall be deemed
20 to meet all of the state funding-related requirements of
21 section 25B.2, subsection 3, and no additional state funding
22 shall be necessary for the full implementation of this Act
23 by and enforcement of this Act against all affected school
24 districts.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 Current law provides that an individual is not eligible
29 for unemployment insurance benefits based on service in a
30 capacity that is not an instructional, research, or principal
31 administrative capacity for an educational institution for any
32 week of unemployment that begins during the period between two
33 successive academic years or terms, if the individual performs
34 the services in the first of such academic years or terms and
35 has reasonable assurance that the individual will perform

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1 services for the second of such academic years or terms. If
2 the individual is not offered an opportunity to perform the
3 services for an educational institution for the second of
4 such academic years or terms, the individual is entitled to
5 retroactive payments of such benefits.

6 This bill strikes the provision.

7 The bill may include a state mandate as defined in Code
8 section 25B.3. The bill requires that the state cost of
9 any state mandate included in the bill be paid by a school
10 district from state school foundation aid received by the
11 school district under Code section 257.16. The specification
12 is deemed to constitute state compliance with any state mandate
13 funding-related requirements of Code section 25B.2. The
14 inclusion of this specification is intended to reinstate the
15 requirement of political subdivisions to comply with any state
16 mandates included in the bill.



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House File 276 - Introduced

HOUSE FILE 276
BY WESSEL-KROESCHELL and
BENNETT

A BILL FOR

1 An Act relating to sexual orientation change efforts and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1442HH (2) 86
pf/nh



Iowa General Assembly
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H.F. 276

1 Section 1. NEW SECTION. 135.181 Sexual orientation change
2 efforts.

3 1. For the purposes of this division, unless the context
4 otherwise requires:

5 a. "Mental health provider" means a physician and surgeon or
6 osteopathic physician and surgeon licensed under chapter 148
7 who specializes in the practice of psychiatry; a psychologist
8 licensed under chapter 154B; a licensed marital and family
9 therapist or mental health counselor or a temporary licensed
10 marital and family therapist or mental health counselor as
11 defined in section 154D.1; a social worker licensed pursuant to
12 chapter 154C; a licensed school counselor, school psychologist,
13 or school social worker; or an advanced registered nurse
14 practitioner, a psychiatric nurse, or any other person who
15 provides counseling or mental health or behavioral health
16 services as a part of the person's professional training or
17 practice under Iowa law or rule, or any student, intern,
18 volunteer, or other person assisting or acting under the
19 direction or guidance of any of these professionals.

20 b. "Patient" means an individual who is under the care of a
21 mental health provider.

22 c. (1) "Sexual orientation change efforts" means any
23 practice by a mental health provider that seeks to change an
24 individual's sexual orientation, including but not limited
25 to efforts to change behaviors or gender expressions, or to
26 eliminate or reduce sexual or romantic attractions or feelings
27 toward individuals of the same sex.

28 (2) "Sexual orientation change efforts" does not include any
29 of the following:

30 (a) Counseling or therapy that provides acceptance,
31 support, and understanding of the individual or the
32 facilitation of an individual's coping, social support,
33 and identity exploration and development, including sexual
34 orientation-neutral interventions to prevent or address
35 unlawful conduct or unsafe sexual practices.

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1 (b) Psychotherapies that do not seek to change sexual
2 orientation.

3 (c) Counseling for an individual seeking to transition from
4 one gender to another.

5 2. A mental health provider shall not engage in sexual
6 orientation change efforts with a patient under eighteen years
7 of age.

8 3. A mental health provider who engages in sexual
9 orientation change efforts with a patient under eighteen years
10 of age shall be subject to disciplinary action by the licensing
11 entity or disciplinary authority with professional jurisdiction
12 over the mental health provider.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill prohibits a mental health provider from engaging
17 in sexual orientation change efforts with a patient under 18
18 years of age. The bill provides that a mental health provider
19 who engages in sexual orientation change efforts with a patient
20 under 18 years of age is subject to disciplinary action by the
21 entity or disciplinary authority with professional jurisdiction
22 over the mental health provider.



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House File 277 - Introduced

HOUSE FILE 277
BY ISENHART

A BILL FOR

1 An Act authorizing local authorities to permit parking on the
2 left side of a roadway during periods of inclement weather.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1250YH (1) 86
ns/nh



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H.F. 277

1 Section 1. Section 321.361, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. Local authorities may by ordinance
4 permit vehicles stopped or parked upon a roadway where there
5 are adjacent curbs to be stopped or parked with the left-hand
6 wheels of the vehicle adjacent to and within eighteen inches of
7 the left-hand curb during periods of snow, sleet, or freezing
8 rain or when snow or ice has accumulated on the roadway, if
9 stopping or parking in such a manner is deemed by the local
10 authorities to be safer under such conditions than stopping or
11 parking as provided in subsection 1. However, an ordinance
12 adopted under this subsection shall not apply to a road which
13 is a primary road extension.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to parking on the left side of a two-way
18 roadway. Current law prohibits parking with the vehicle's
19 left-hand wheels adjacent to the left-hand curb unless the
20 roadway is a one-way roadway. The bill permits a political
21 subdivision of the state to adopt an ordinance allowing a
22 vehicle to be parked on a roadway with the left-hand wheels
23 adjacent to and within 18 inches of the left-hand curb if
24 the political subdivision deems it safer than parking on the
25 right-hand side of the street during periods of snow, sleet,
26 or freezing rain or when snow or ice has accumulated on the
27 roadway. The provision does not apply to a road which is a
28 primary road extension.



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House File 278 - Introduced

HOUSE FILE 278
BY WILLS

A BILL FOR

1 An Act relating to violations of deer and wild turkey harvest
2 reporting requirements and including penalty provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2393YH (3) 86
av/nh

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H.F. 278

1 Section 1. Section 805.8B, subsection 3, paragraph b, Code
2 2015, is amended to read as follows:

3 b. For violations of sections 481A.54, 481A.69, 481A.71,
4 481A.72, 482.6, 483A.3, 483A.6, 483A.8A, 483A.19, and 483A.27,
5 the scheduled fine is twenty dollars.

6	EXPLANATION
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7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill provides that a violation of the deer and wild
10 turkey harvest reporting requirements is punishable as a
11 scheduled violation with a fine of \$20 instead of as a simple
12 misdemeanor with a scheduled fine of \$100.



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House File 279 - Introduced

HOUSE FILE 279
BY RIZER and STAED

A BILL FOR

1 An Act relating to the regulation of synthetic substances and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1434YH (5) 86
jm/rj



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H.F. 279

1 Section 1. NEW SECTION. 124E.1 Synthetic substances —
2 regulation — civil penalties.

3 1. The following factors, taken in the totality of the
4 circumstances, may be considered in determining whether a
5 product should be classified as a synthetic substance. For
6 the purposes of enforcement pursuant to this section, the
7 establishment of two or more factors shall constitute prima
8 facie evidence that the product is a synthetic substance.

9 a. Advertising a product for a purpose for which the product
10 is rarely, if ever, suitably used.

11 b. Displaying or selling a product in businesses such as
12 liquor stores, smoke shops, or gas or convenience stores where
13 such a product is not typically sold.

14 c. Marketing a product as a common nonconsumable product
15 with warning labels not normally found on such a product. The
16 warning labels may be similar but not limited to the following:

17 (1) Not for human consumption.

18 (2) Not for purchase by minors.

19 d. Labeling a product in a manner not normally found on
20 similar products including but not limited to the following:

21 (1) Does not contain any chemical compounds prohibited by
22 state law.

23 (2) Contains no prohibited chemicals.

24 (3) Product is in accordance with state and federal laws.

25 (4) Does not contain AM-2201 or any substance banned by the
26 United States drug enforcement administration.

27 (5) Legal herbal substance.

28 (6) One hundred percent compliant guaranteed.

29 (7) One hundred percent chemical free.

30 (8) One hundred percent synthetic free.

31 e. Labeling a product by suggesting that a user will achieve
32 a high, euphoria, relaxation, mood enhancement, or other
33 effects on the body.

34 f. Pricing a product as more expensive than other products
35 marketed in the area for the same or similar use.

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1 *g.* Providing directions for a product that are not
2 consistent for the type of product advertised.

3 *h.* Designing a product to make the substance appear similar
4 to illicit street drugs.

5 *i.* Advertising a product using brand names and packaging
6 designed to make the product appear similar to illicit street
7 drugs, or labeling a product with names similar to commonly
8 used street slang for illicit drugs, which names or labeling
9 has no relation to the advertised use of the product being
10 sold.

11 *j.* Enhancing a product with a synthetic chemical or
12 synthetic chemical compound that has no legitimate relation to
13 the advertised use of the product but mimics the effects of a
14 controlled substance when the product, or the smoke from the
15 burned product, is introduced into the human body.

16 *k.* Making verbal or written representations at the place of
17 sale or display regarding the purpose, methods, use, or effect
18 of the product.

19 2. A retailer or person shall not sell, offer to sell,
20 give, or offer to give, or otherwise transfer a product labeled
21 as or represented to be a synthetic substance under this
22 section after the product has been determined to be a synthetic
23 substance under subsection 4.

24 3. A city or a county may enforce subsection 2 after
25 giving a retailer or person engaged in the business of selling
26 products in the city or county an opportunity to be heard upon
27 ten days' written notice by restricted certified mail stating
28 the alleged violation and the time and place for a hearing
29 where the retailer or person may appear and be heard.

30 4. If after notice has been provided under subsection
31 3, and a hearing where a determination has been made that
32 the product is a synthetic substance under subsection 1, the
33 retailer or a person who has received notice under subsection
34 3 shall be assessed a civil penalty as provided in subsection
35 5 if the retailer or person sells, offers to sell, gives or

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1 offers to give, or otherwise transfers a product labeled as or
2 represented to be a synthetic substance.

3 5. a. For a first violation, the retailer or person shall
4 be assessed a civil penalty in the amount of two hundred
5 dollars.

6 b. For a second or subsequent violation, the retailer or
7 person shall be assessed a civil penalty in the amount of five
8 hundred dollars.

9 6. The civil penalty shall be collected by the clerk of the
10 district court and shall be distributed as provided in section
11 602.8105, subsection 4.

12 Sec. 2. Section 602.8105, subsection 4, Code 2015, is
13 amended to read as follows:

14 4. The clerk of the district court shall collect a civil
15 penalty assessed against a retailer or person pursuant to
16 section 124E.1 or against a retailer pursuant to section
17 126.23B. Any moneys collected from the civil penalty shall be
18 distributed to the city or county that brought the enforcement
19 action for a violation of section 124E.1 or 126.23A.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the regulation of synthetic substances.
24 A retailer or person shall not sell, offer to sell, give, or
25 offer to give, or otherwise transfer a product labeled as or
26 represented to be a synthetic substance under the bill. For
27 the purposes of enforcement, the establishment of two or more
28 of the following factors shall constitute prima facie evidence
29 that the product is a synthetic substance: advertising for
30 which it is rarely suitable to be used; marketing as common
31 nonconsumable products which contain warning labels not
32 normally found on such products; labeling not normally found
33 on similar products; labeling suggesting the user will achieve
34 a high, euphoria, or that the product has other effects on
35 the body; pricing which is more expensive than other products

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1 marketed in the area for the same or similar use; directions
2 that are not consistent for the type of product advertised;
3 designing to make the substance appear similar to illicit
4 street drugs; advertising using brand names and packaging
5 designed to make the product appear similar to illicit street
6 drugs, or labeled with names similar to commonly used street
7 slang for illicit drugs; enhancing with a synthetic chemical
8 or synthetic chemical compound that has no legitimate relation
9 to the advertised use of the product; or verbal or written
10 representations made at the place of sale regarding the
11 purpose, methods, use, or effect of the product.

12 A city or a county may enforce the bill after giving a
13 retailer or person engaged in the business selling products
14 in the city or county an opportunity to be heard upon 10
15 days' written notice by restricted certified mail stating the
16 alleged violation and the time and place of a hearing where the
17 retailer or person may appear and be heard.

18 After a hearing where a determination has been made that the
19 product is a synthetic substance under the bill, a retailer
20 or a person, who has received notice of such a hearing,
21 shall be assessed a civil penalty, if the retailer or person
22 sells, offers to sell, gives, or offers to give, or otherwise
23 transfers a product labeled as or represented to be a synthetic
24 substance.

25 For a first violation of the bill, a retailer or person shall
26 be assessed a civil penalty in the amount of \$200.

27 For a second or subsequent violation of the bill, a retailer
28 or person shall be assessed a civil penalty in the amount of
29 \$500.

30 Any moneys collected from the civil penalty shall be
31 distributed to the city or county that brought the enforcement
32 action relating to the bill.

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House File 280 - Introduced

HOUSE FILE 280
BY L. MILLER

A BILL FOR

1 An Act providing an exemption from the computation of the
2 individual income tax of certain amounts of retirement
3 income and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1163YH (1) 86
mm/sc



Iowa General Assembly
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H.F. 280

1 Section 1. Section 422.5, subsection 3, paragraph a, Code
2 2015, is amended to read as follows:

3 a. The tax shall not be imposed on a resident or nonresident
4 whose net income, as defined in section 422.7, is thirteen
5 thousand five hundred dollars or less in the case of married
6 persons filing jointly or filing separately on a combined
7 return, heads of household, and surviving spouses or nine
8 thousand dollars or less in the case of all other persons;
9 but in the event that the payment of tax under this division
10 would reduce the net income to less than thirteen thousand five
11 hundred dollars or nine thousand dollars as applicable, then
12 the tax shall be reduced to that amount which would result
13 in allowing the taxpayer to retain a net income of thirteen
14 thousand five hundred dollars or nine thousand dollars as
15 applicable. The preceding sentence does not apply to estates
16 or trusts. For the purpose of this subsection, the entire net
17 income, including any part of the net income not allocated
18 to Iowa, shall be taken into account. ~~For purposes of this~~
19 ~~subsection, net income includes all amounts of pensions or~~
20 ~~other retirement income, except for military retirement pay~~
21 ~~excluded under section 422.7, subsection 31A, paragraph "a",~~
22 ~~or section 422.7, subsection 31B, paragraph "a", received from~~
23 ~~any source which is not taxable under this division as a result~~
24 ~~of the government pension exclusions in section 422.7, or any~~
25 ~~other state law.~~ If the combined net income of a husband and
26 wife exceeds thirteen thousand five hundred dollars, neither
27 of them shall receive the benefit of this subsection, and it
28 is immaterial whether they file a joint return or separate
29 returns. However, if a husband and wife file separate returns
30 and have a combined net income of thirteen thousand five
31 hundred dollars or less, neither spouse shall receive the
32 benefit of this paragraph, if one spouse has a net operating
33 loss and elects to carry back or carry forward the loss as
34 provided in section 422.9, subsection 3. A person who is
35 claimed as a dependent by another person as defined in section

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1 422.12 shall not receive the benefit of this subsection if
2 the person claiming the dependent has net income exceeding
3 thirteen thousand five hundred dollars or nine thousand dollars
4 as applicable or the person claiming the dependent and the
5 person's spouse have combined net income exceeding thirteen
6 thousand five hundred dollars or nine thousand dollars as
7 applicable.

8 Sec. 2. Section 422.5, subsection 3, Code 2015, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. c. (1) For purposes of this subsection,
11 net income includes all amounts of pensions or other retirement
12 income, except for military retirement pay excluded under
13 section 422.7, subsection 31A, paragraph "a", or section 422.7,
14 subsection 31B, paragraph "a", and except for retirement income
15 excluded under section 422.7, subsection 31C, received from any
16 source which is not taxable under this division as a result
17 of the government pension exclusions in section 422.7, or any
18 other state law.

19 (2) This paragraph "c" is repealed January 1, 2021.

20 Sec. 3. Section 422.5, subsection 3B, paragraph a, Code
21 2015, is amended to read as follows:

22 a. The tax shall not be imposed on a resident or nonresident
23 who is at least sixty-five years old on December 31 of
24 the tax year and whose net income, as defined in section
25 422.7, is thirty-two thousand dollars or less in the case
26 of married persons filing jointly or filing separately on a
27 combined return, heads of household, and surviving spouses or
28 twenty-four thousand dollars or less in the case of all other
29 persons; but in the event that the payment of tax under this
30 division would reduce the net income to less than thirty-two
31 thousand dollars or twenty-four thousand dollars as applicable,
32 then the tax shall be reduced to that amount which would result
33 in allowing the taxpayer to retain a net income of thirty-two
34 thousand dollars or twenty-four thousand dollars as applicable.
35 The preceding sentence does not apply to estates or trusts.

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1 For the purpose of this subsection, the entire net income,
2 including any part of the net income not allocated to Iowa,
3 shall be taken into account. ~~For purposes of this subsection,~~
4 ~~net income includes all amounts of pensions or other retirement~~
5 ~~income, except for military retirement pay excluded under~~
6 ~~section 422.7, subsection 31A, paragraph "a", or section 422.7,~~
7 ~~subsection 31B, paragraph "a", received from any source which is~~
8 ~~not taxable under this division as a result of the government~~
9 ~~pension exclusions in section 422.7, or any other state law.~~
10 If the combined net income of a husband and wife exceeds
11 thirty-two thousand dollars, neither of them shall receive the
12 benefit of this subsection, and it is immaterial whether they
13 file a joint return or separate returns. However, if a husband
14 and wife file separate returns and have a combined net income
15 of thirty-two thousand dollars or less, neither spouse shall
16 receive the benefit of this paragraph, if one spouse has a net
17 operating loss and elects to carry back or carry forward the
18 loss as provided in section 422.9, subsection 3. A person
19 who is claimed as a dependent by another person as defined in
20 section 422.12 shall not receive the benefit of this subsection
21 if the person claiming the dependent has net income exceeding
22 thirty-two thousand dollars or twenty-four thousand dollars
23 as applicable or the person claiming the dependent and the
24 person's spouse have combined net income exceeding thirty-two
25 thousand dollars or twenty-four thousand dollars as applicable.
26 Sec. 4. Section 422.5, subsection 3B, Code 2015, is amended
27 by adding the following new paragraph:
28 NEW PARAGRAPH. *d.* (1) For purposes of this subsection,
29 net income includes all amounts of pensions or other retirement
30 income, except for military retirement pay excluded under
31 section 422.7, subsection 31A, paragraph "a", or section 422.7,
32 subsection 31B, paragraph "a", and except for retirement income
33 excluded under section 422.7, subsection 31C, received from any
34 source which is not taxable under this division as a result
35 of the government pension exclusions in section 422.7, or any

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1 other state law.

2 (2) This paragraph "`d" is repealed January 1, 2021.

3 Sec. 5. Section 422.7, subsection 31, Code 2015, is amended
4 to read as follows:

5 31. a. For a person who is disabled, or is fifty-five
6 years of age or older, or is the surviving spouse of an
7 individual or a survivor having an insurable interest in an
8 individual who would have qualified for the exemption under
9 this subsection for the tax year, subtract, to the extent
10 included, the total amount of a governmental or other pension
11 or retirement pay, including, but not limited to, defined
12 benefit or defined contribution plans, annuities, individual
13 retirement accounts, plans maintained or contributed to by an
14 employer, or maintained or contributed to by a self-employed
15 person as an employer, and deferred compensation plans or any
16 earnings attributable to the deferred compensation plans, up
17 to a maximum of six thousand dollars for a person, other than a
18 husband or wife, who files a separate state income tax return
19 and up to a maximum of twelve thousand dollars for a husband
20 and wife who file a joint state income tax return. However, a
21 surviving spouse who is not disabled or fifty-five years of age
22 or older can only exclude the amount of pension or retirement
23 pay received as a result of the death of the other spouse. A
24 husband and wife filing separate state income tax returns or
25 separately on a combined state return are allowed a combined
26 maximum exclusion under this subsection of up to twelve
27 thousand dollars. The twelve thousand dollar exclusion shall
28 be allocated to the husband or wife in the proportion that each
29 spouse's respective pension and retirement pay received bears
30 to total combined pension and retirement pay received.

31 b. This subsection is repealed January 1, 2021.

32 Sec. 6. Section 422.7, subsection 31A, Code 2015, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. c. This subsection is repealed January 1,
35 2021.

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1 Sec. 7. Section 422.7, subsection 31B, Code 2015, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *c.* This subsection is repealed January 1,
4 2021.

5 Sec. 8. Section 422.7, Code 2015, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 31C. *a.* (1) For tax years beginning
8 in the 2017 calendar year, subtract, to the extent included,
9 twenty percent of retirement income received by a taxpayer
10 remaining after the subtractions in subsections 31, 31A, and
11 31B.

12 (2) For tax years beginning in the 2018 calendar year,
13 subtract, to the extent included, forty percent of retirement
14 income received by a taxpayer remaining after the subtractions
15 in subsections 31, 31A, and 31B.

16 (3) For tax years beginning in the 2019 calendar year,
17 subtract, to the extent included, sixty percent of retirement
18 income received by a taxpayer remaining after the subtractions
19 in subsections 31, 31A, and 31B.

20 (4) For tax years beginning in the 2020 calendar year,
21 subtract, to the extent included, eighty percent of retirement
22 income received by a taxpayer remaining after the subtractions
23 in subsections 31, 31A, and 31B.

24 (5) For tax years beginning on or after January 1, 2021,
25 subtract, to the extent included, retirement income received
26 by a taxpayer.

27 *b.* For purposes of this subsection, "*retirement income*"
28 means a governmental or other pension or retirement pay,
29 including but not limited to defined benefit or defined
30 contribution plans, annuities, individual retirement accounts,
31 plans maintained or contributed to by an employer, or
32 maintained or contributed to by a self-employed person as an
33 employer, and deferred compensation plans or any earnings
34 attributable to the deferred compensation plans.

35 Sec. 9. **APPLICABILITY.** This Act applies to tax years

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1 beginning on or after January 1, 2017.

2 **EXPLANATION**

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the exclusion of retirement income from
6 the computation of net income for purposes of the individual
7 income tax.

8 Under current law, a taxpayer may exclude all retirement
9 pay, including certain survivor benefits, received from the
10 federal government for military service performed in the armed
11 forces, the armed forces military reserve, or national guard.
12 In addition, a taxpayer who is disabled, who is at least 55
13 years of age, or who is the surviving spouse or other specified
14 survivor of that qualifying taxpayer, may exclude a maximum
15 of \$6,000 of other retirement income (\$12,000 for married
16 couples).

17 The bill phases in over a five-year period the complete
18 exclusion from the individual income tax of a taxpayer's
19 retirement income remaining after the two exclusions referenced
20 above. The percentage of this retirement income that is
21 excluded for tax years beginning in 2017, 2018, 2019, and
22 2020, is 20 percent, 40 percent, 60 percent, and 80 percent,
23 respectively. For tax years beginning in 2021 or later, 100
24 percent of a taxpayer's retirement income will be excluded from
25 the individual income tax.

26 The bill also excludes this retirement income from the
27 calculation of net income for purposes of determining whether
28 or not a taxpayer's net income exceeds the amount at which the
29 individual income tax will not be imposed pursuant to Code
30 section 422.5(3) or Code section 422.5(3B), and for which an
31 individual income tax return is not required to be filed, and
32 for purposes of calculating the alternate tax in Code section
33 422.5, and further provides that any retirement income excluded
34 from the individual income tax will not be added back to these
35 calculations for tax years beginning in 2021 or later.

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1 The bill defines "retirement income" for purposes of the
2 exclusion.
3 The bill applies to tax years beginning on or after January
4 1, 2017.



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House File 281 - Introduced

HOUSE FILE 281
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 47)

(COMPANION TO SF 166 BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

- 1 An Act relating to fantasy sports contests.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1188HV (2) 86
ec/nh



Iowa General Assembly
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1 Section 1. Section 99B.11, subsection 2, Code 2015, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. f. A fantasy or simulation sports contest
4 in which all prizes and awards offered to winning participants
5 are established and made known to the participants in advance
6 of the contest and the value of the prizes or awards is not
7 determined by the number of participants or the amount of
8 any fees paid by the participants. All winning outcomes in
9 such contest shall reflect the relative knowledge and skill
10 of the participants and shall be determined predominantly
11 by accumulated statistical results of the performance of
12 individuals, including athletes in the case of sports events,
13 in multiple actual sporting or other events, and no winning
14 outcome shall be based on the score, point spread, or any
15 performance or performances of any single actual team or
16 combination of such teams or solely on any single performance
17 of an individual athlete in any single actual sporting or other
18 event.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill authorizes the paying of awards and prizes to
23 participants in fantasy sports contest.
24 Code section 99B.11, concerning bona fide contests, is
25 amended to provide that a fantasy or simulation sports contest
26 is a bona fide contest, allowing the payment of awards to
27 persons winning the contest, if certain conditions are met.
28 The bill provides that a fantasy sports contest is a bona
29 fide contest if all prizes and awards offered to winning
30 participants are established and made known in advance of the
31 contest, all winning outcomes reflect the relative knowledge
32 and skill of the participants and are determined predominantly
33 by accumulated statistical results of the performance of
34 individuals in multiple actual sporting events, and no winning
35 outcome is based on the score, or performance of any single

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1 actual team or combination of such teams or solely on any
2 single performance of an individual athlete in any single
3 actual sporting or other event.



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House File 282 - Introduced

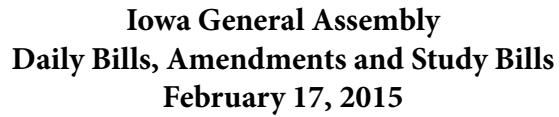
HOUSE FILE 282
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 36)

A BILL FOR

1 An Act relating to information the board of educational
2 examiners is required to review regarding applicants for
3 license renewal.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1172HV (2) 86
kh/nh



1 Section 1. Section 272.2, subsection 17, Code 2015, is
2 amended to read as follows:

3 17. Adopt rules to require that a background investigation
4 be conducted by the division of criminal investigation of the
5 department of public safety on all initial applicants for
6 licensure. The board shall also require all initial applicants
7 to submit a completed fingerprint packet and shall use the
8 packet to facilitate a national criminal history background
9 check. The board shall have access to, and shall review
10 the sex offender registry information under section 692A.121
11 available to the general public, information in the Iowa court
12 information system available to the general public, the central
13 registry for child abuse information established under chapter
14 235A, and the dependent adult abuse records maintained under
15 chapter 235B for information regarding applicants for license
16 renewal.

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

LSB 1172HV (2) 86
kh/nh



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House File 283 - Introduced

HOUSE FILE 283
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 126)

A BILL FOR

1 An Act relating to the time period over which payments are made
2 under the all Iowa opportunity scholarship program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1622HV (2) 86
kh/sc



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H.F. 283

1 Section 1. Section 261.87, subsection 3, Code 2015, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 3. *Extent of scholarship.* A qualified student at an
5 eligible institution may receive scholarships for not more than
6 the equivalent of two full-time academic years of undergraduate
7 study, excluding summer semesters, or the equivalent.
8 Scholarships awarded pursuant to this section shall be awarded
9 on an annual basis and shall not exceed the lesser of the
10 following, as determined by the commission:

11 a. The student's financial need.

12 b. One-half of the average resident tuition rate and
13 mandatory fees established for institutions of higher learning
14 governed by the state board of regents.

15 c. The resident tuition and mandatory fees charged for the
16 program of enrollment by the eligible institution at which the
17 student is enrolled.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill authorizes a qualified student at an eligible
22 institution, which is defined in the Code as a community
23 college or regents university, to receive an all Iowa
24 opportunity scholarship for not more than two full-time
25 academic years of undergraduate study, excluding summer
26 semesters. The scholarship must be awarded by the college
27 student aid commission to the student on an annual basis.
28 Under current law, a qualified student who receives the
29 scholarship must each year meet the eligibility requirements
30 established in the Code.



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House File 284 - Introduced

HOUSE FILE 284
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 15)

A BILL FOR

1 An Act relating to the limitation on the annual amount of an
2 Iowa tuition grant paid to a qualified student.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1546HV (1) 86
kh/sc



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H.F. 284

1 Section 1. Section 261.12, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. The amount of a tuition grant to a qualified full-time
4 student for the fall and spring semesters, or the trimester
5 equivalent, shall be the amount of the student's financial need
6 for that period. However, a tuition grant shall not exceed the
7 ~~lesser of:~~

8 ~~a. The total tuition and mandatory fees for that student~~
9 ~~for two semesters or the trimester or quarter equivalent, less~~
10 ~~the base amount determined annually by the college student~~
11 ~~aid commission, which base amount shall be within ten dollars~~
12 ~~of the average tuition for two semesters or the trimester~~
13 ~~equivalent of undergraduate study at the state universities~~
14 ~~under the board of regents, but in any event the base amount~~
15 ~~shall not be less than four hundred dollars; or~~

16 ~~b. For the fiscal year beginning July 1, 2013, and for each~~
17 ~~following fiscal year, five thousand dollars.~~

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill removes the \$5,000 cap on the amount of an Iowa
22 tuition grant that may be awarded by the college student aid
23 commission to a qualified student enrolled full time at an
24 accredited private institution. "Qualified student" is defined
25 in current law as a resident student who has established
26 financial need and who is making satisfactory progress toward
27 graduation.

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House File 285 - Introduced

HOUSE FILE 285
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 60)

A BILL FOR

1 An Act concerning Iowa finance authority duties regarding the
2 title guaranty board and the shelter assistance fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1294HV (1) 86
ec/sc



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H.F. 285

1 Section 1. Section 16.2A, subsection 7, Code 2015, is
2 amended to read as follows:

3 7. Members shall elect a chair and vice chair annually and
4 other officers as they determine. The executive director or
5 the executive director's designee shall serve as secretary to
6 the board.

7 Sec. 2. Section 16.41, subsection 1, Code 2015, is amended
8 to read as follows:

9 1. A shelter assistance fund is created as a revolving
10 fund in the state treasury under the control of the authority
11 consisting of any moneys appropriated by the general assembly
12 and received under section 428A.8 for ~~purposes of the~~
13 ~~rehabilitation, expansion, or costs of operations of group~~
14 ~~home shelters for the homeless and domestic violence shelters,~~
15 essential services for the homeless, and evaluation and
16 reporting of services for the homeless, and match moneys for
17 ~~federal funds for the homeless management information system.~~
18 Each fiscal year, moneys in the fund, in an amount equal to not
19 more than ~~two~~ three percent of the total moneys distributed as
20 grants from the fund during the fiscal year, may be used for
21 purposes of administering the fund.

22 Sec. 3. Section 16.41, subsection 2, Code 2015, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 2. The authority shall award grants annually to qualified
26 applicants on a competitive basis. The authority shall
27 establish application procedures, requirements, priorities, and
28 maximum and minimum grant award amounts for each annual grant
29 competition.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the Iowa finance authority.

34 Code section 16.2A, concerning the title guaranty division
35 of the Iowa finance authority, is amended to allow the designee

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1 of the executive director of the Iowa finance authority to
2 serve as secretary of the Iowa title guaranty board.

3 Code section 16.41, concerning the shelter assistance fund,
4 is amended. Currently, moneys in the fund, among other uses,
5 can be used for rehabilitation, expansion, or operating costs
6 of group home shelters for the homeless and domestic violence
7 shelters. The bill eliminates the requirement that homeless
8 shelters be group homes and eliminates the authority to use the
9 money for rehabilitation and expansion of homeless and domestic
10 violence shelters. The bill also allows moneys in the fund
11 to be used for essential services for the homeless and for
12 reporting of services for the homeless. The bill eliminates
13 the ability of moneys to be used to match moneys for federal
14 funds for the homeless management information system. The
15 bill also increases, from 2 to 3 percent, the percentage of
16 the amount of moneys distributed as grants from the fund each
17 fiscal year that may be used for costs of administering the
18 fund.

19 Code section 16.41 is also amended to eliminate the
20 requirement that not less than \$546,000 be spent annually
21 on homeless shelter projects. Instead, the bill requires
22 that each grant awarded from the fund shall be awarded on
23 a competitive basis pursuant to procedures, requirements,
24 priorities, and maximum and minimum grant award amounts
25 established by the Iowa finance authority for each annual grant
26 competition.



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House File 286 - Introduced

HOUSE FILE 286
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 23)

A BILL FOR

1 An Act relating to the direct deposit of employee wages.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1450HV (4) 86
je/rj



Iowa General Assembly
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H.F. 286

1 Section 1. Section 91A.3, subsection 3, paragraph a,
2 unnumbered paragraph 1, Code 2015, is amended to read as
3 follows:

4 The wages paid under subsection 1 shall be paid at the
5 employee's normal place of employment during normal employment
6 hours or at a place and hour mutually agreed upon by the
7 employer and employee, or the employee may elect to have the
8 wages sent for direct deposit, on or by the regular payday of
9 the employee, into a financial institution designated by the
10 employee. ~~Upon written request by the employee, wages due may~~
11 ~~be sent to the employee by mail. The employer shall maintain~~
12 ~~a copy of the request for as long as it is effective and for~~
13 ~~at least two years thereafter. An employee hired on or after~~
14 ~~July 1, 2005, may be required, as a condition of employment,~~
15 to participate in direct deposit of the employee's wages in a
16 financial institution of the employee's choice unless any of
17 the following conditions exist:

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 Current law permits an employer to require an employee hired
22 on or after July 1, 2005, as a condition of employment, to
23 participate in direct deposit of the employee's wages in a
24 financial institution of the employee's choice unless certain
25 exceptions apply. The exceptions are if the associated costs
26 would reduce the employee's wage below the minimum wage, if
27 the employee would incur fees as a result, or if an applicable
28 collective bargaining agreement prohibits requiring direct
29 deposit of wages.

30 This bill strikes the limitation to employees hired on or
31 after July 1, 2005, so that any employee may be required to
32 participate in direct deposit of the employee's wages unless
33 one of the exceptions applies.

34 The bill also strikes language permitting an employer to
35 send an employee wages due by mail upon written request by the

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H.F. 286

1 employee.



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House File 287 - Introduced

HOUSE FILE 287
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 53)

A BILL FOR

1 An Act relating to counterfeit, nonfunctional, or unsafe air
2 bags, providing penalties, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1641HV (2) 86
ns/nh



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H.F. 287

1 Section 1. Section 321.1, Code 2015, is amended by adding
2 the following new subsection:

3 **NEW SUBSECTION.** 01A. "*Air bag*" or "*airbag*" means a motor
4 vehicle inflatable occupant restraint system that operates
5 in the event of a crash and is designed in accordance with
6 federal motor vehicle safety standards for the specific make,
7 model, and year of the motor vehicle in which it is or will be
8 installed. "*Air bag*" includes all component parts to a motor
9 vehicle inflatable occupant restraint system, including but not
10 limited to the cover, sensors, controllers, inflators, wiring,
11 and seat belt systems.

12 Sec. 2. Section 321.71A, Code 2015, is amended by striking
13 the section and inserting in lieu thereof the following:

14 **321.71A Counterfeit, nonfunctional, and unsafe air bags.**

15 1. As used in this section:

16 a. "*Counterfeit air bag*" means an air bag displaying a mark
17 identical or similar to the genuine mark of a motor vehicle
18 manufacturer without authorization from the manufacturer.

19 b. "*Nonfunctional air bag*" means an air bag that was
20 previously deployed or damaged, or has an electric fault that
21 is detected by a motor vehicle's air bag diagnostic system
22 after the air bag is installed in the motor vehicle.

23 2. A person who manufactures, imports, installs,
24 reinstalls, sells, or offers to sell any device with the intent
25 that the device replace an air bag in a motor vehicle, and who
26 knows that the device is a counterfeit air bag, nonfunctional
27 air bag, or air bag that does not comply with federal safety
28 requirements as provided in 49 C.F.R. §571.208, is guilty of an
29 aggravated misdemeanor.

30 3. A person who manufactures, imports, installs,
31 reinstalls, sells, offers to sell, or tampers with any device
32 that causes a motor vehicle's diagnostic system to inaccurately
33 indicate that the motor vehicle is equipped with a functional
34 air bag when a counterfeit or nonfunctional air bag is
35 installed, or when no air bag is installed, with the intent

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1 to mislead the owner or operator of the motor vehicle into
2 believing that the motor vehicle is equipped with a functional
3 air bag, is guilty of an aggravated misdemeanor.
4 4. A violation of this section is an unlawful practice under
5 section 714.16.

6 Sec. 3. Section 714H.3, subsection 2, Code 2015, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. g. Section 321.71A.

9 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill provides that a person who manufactures, imports,
15 installs, or sells any device with the intent that the device
16 replace an air bag in a motor vehicle, and who knows that the
17 device is a counterfeit, nonfunctional, or unsafe air bag, is
18 guilty of an aggravated misdemeanor.

19 The bill also provides that a person who manufactures,
20 imports, installs, tampers with, or sells any device that
21 causes a motor vehicle's diagnostic system to inaccurately
22 indicate that the motor vehicle is equipped with a functional
23 air bag when a counterfeit or nonfunctional air bag is
24 installed, or when no air bag is installed, with the intent
25 to mislead the owner or operator of the motor vehicle into
26 believing that the motor vehicle is equipped with a functional
27 air bag, is guilty of an aggravated misdemeanor.

28 An aggravated misdemeanor is punishable by up to two years in
29 prison and up to a \$6,250 fine.

30 The bill defines "air bag", "counterfeit air bag", and
31 "nonfunctional air bag". In addition, the bill provides that
32 an air bag is unsafe when it does not comply with federal
33 safety requirements as provided in the code of federal
34 regulations. The bill also provides that the acts prohibited
35 by the bill are unlawful acts of consumer fraud.

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1 The bill takes effect upon enactment.



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House File 288 - Introduced

HOUSE FILE 288
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 42)

A BILL FOR

1 An Act allowing the taking of catfish by bow and arrow and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1106HV (1) 86
av/nh



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H.F. 288

1 Section 1. Section 461A.42, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 b. A person may use a bow and arrow with an attached bow
4 fishing reel and ninety-pound minimum line attached to the
5 arrow to take catfish or rough fish as provided by rule of the
6 commission.

7 Sec. 2. Section 481A.76, Code 2015, is amended to read as
8 follows:

9 **481A.76 Unlawful means — exception.**

10 It is unlawful, except as otherwise provided, to use on or
11 in the waters of the state any grabhook, snaghook, any kind of
12 a net, seine, trap, firearm, dynamite, or other explosives, or
13 poisonous or stupefying substances, lime, ashes, electricity,
14 or hand fishing in the taking or attempting to take any fish,
15 except that gaffhooks or landing nets may be used to assist in
16 landing fish. The commission may permit designated fish to be
17 taken by hand fishing, by snagging, by spearing, by bow and
18 arrow, and with artificial light at the times and at the places
19 as determined by rules of the commission. The commission
20 shall permit the taking of catfish by bow and arrow, and with
21 artificial light in the manner and at the times and at the
22 places as determined by rules of the commission.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill allows a person to take catfish with a specified
27 bow and arrow in state parks and preserves as provided by rule
28 of the commission. A violation of this provision is punishable
29 with a scheduled fine of \$50. The bill also requires the
30 natural resource commission to allow the taking of catfish by
31 means of bow and arrow and with artificial light in a manner
32 and at times and places as determined by the commission by
33 rule. A violation of this provision is punishable with a
34 scheduled fine of \$50.

35 Currently, only the taking of rough fish in state parks

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1 and preserves is allowed by use of a specified bow and arrow
2 as provided by rule of the commission, and the commission is
3 allowed, but not required, to designate fish that can be taken
4 by bow and arrow.



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House File 289 - Introduced

HOUSE FILE 289
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to evidence of financial responsibility
2 required to be furnished by certain pesticide applicators
3 to the department of agriculture and land stewardship, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 2143YH (2) 86
da/nh



Iowa General Assembly
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H.F. 289

1 Section 1. Section 206.13, Code 2015, is amended to read as
2 follows:

3 **206.13 Evidence of financial responsibility required by**
4 **commercial applicator applicators.**

5 1. The department shall not issue a commercial applicator's
6 license as required in section 206.6 until the applicant
7 has furnished evidence of financial responsibility ~~with to~~
8 the department. The evidence of financial responsibility
9 shall consist of a surety bond, a liability insurance policy,
10 or an irrevocable letter of credit issued by a financial
11 institution. ~~The department may accept a certification~~
12 ~~of the evidence of financial responsibility.~~ The evidence
13 of financial responsibility shall pay the amount that the
14 beneficiary is legally obligated to pay as damages caused
15 by the pesticide operations of the applicant. However, the
16 evidence of financial responsibility does not apply to damages
17 or an injury which is expected or intended from the standpoint
18 of the beneficiary. A liability insurance policy shall be
19 subject to the insurer's policy provisions filed with and
20 approved by the commissioner of insurance. The evidence of
21 financial responsibility need not apply to damages or injury to
22 agricultural crops, plants, or land being worked upon by the
23 applicant.

24 2. The amount of the evidence of financial responsibility
25 as provided for in this section shall be not less than one
26 ~~hundred thousand~~ million dollars for property damage and
27 public liability insurance, each separately, or liability
28 insurance with limits of ~~one~~ three hundred thousand dollars
29 per occurrence and ~~three~~ six hundred thousand dollars annual
30 aggregate. The evidence of financial responsibility shall be
31 maintained at not less than that amount at all times during
32 the licensed period. The department shall be notified ten
33 days prior to any reduction in the surety bond or liability
34 insurance made at the request of the applicant or cancellation
35 of the surety bond by the surety or the liability insurance

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1 by the insurer. The department shall be notified ninety
2 days prior to any reduction of the amount of the irrevocable
3 letter of credit at the request of the applicant or the
4 cancellation of the irrevocable letter of credit by the
5 financial institution. The total and aggregate liability of
6 the surety, insurer, or financial institution for all claims
7 shall be limited to the face of the surety bond, liability
8 insurance policy, or irrevocable letter of credit.

9 3. Upon request by a person who alleges damages caused
10 by the pesticide operations of a commercial applicator,
11 the department shall provide that person with a copy of
12 the evidence of financial responsibility or any related
13 notification furnished by such commercial applicator to the
14 department under this section.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 BILL'S PROVISIONS. This bill eliminates a provision that
21 allows a commercial applicator of pesticides to furnish a
22 certification in lieu of evidence of financial responsibility
23 and requires the department provide evidence of financial
24 responsibility and related documents to a person alleging
25 damages caused by a commercial applicator. The bill also
26 increases the limits for evidence of financial responsibility
27 from \$100,000 to \$1 million for property damage and public
28 liability damage each separately. The limits for liability
29 insurance are increased from \$100,000 to \$300,000 per
30 occurrence and from \$300,000 to \$600,000 as an annual
31 aggregate.

32 TERMS. A commercial applicator is a person who applies
33 pesticides for compensation, but does not include a farmer
34 trading work with another farmer, a person employed by a farmer
35 who applies pesticides as an incidental part of the person's

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1 duties, or a person who applies pesticides as an incidental
2 part of a custom farming operation. Evidence of financial
3 responsibility includes a surety bond, a liability insurance
4 policy, or an irrevocable letter of credit. A pesticide
5 includes any substance that prevents, destroys, or mitigates
6 pests in the form of plant or animal life and viruses, and
7 includes plant growth regulators, defoliants, and desiccants.
8 EFFECTIVE DATE. The bill takes effect upon enactment.



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House File 290 - Introduced

HOUSE FILE 290
BY MASCHER

A BILL FOR

1 An Act requiring the integration of lessons and tools relating
2 to local foods and farm-to-school programs into curricula
3 developed for the core content standards by the department,
4 school districts, and accredited nonpublic schools.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, subsection 28, Code 2015, is
2 amended to read as follows:

3 28. Adopt a set of core content standards applicable to
4 all students in kindergarten through grade twelve in every
5 school district and accredited nonpublic school. For purposes
6 of this subsection, "*core content standards*" includes reading,
7 mathematics, and science. The core content standards shall
8 be identical to the core content standards included in Iowa's
9 approved 2006 standards and assessment system under Tit. I of
10 the federal Elementary and Secondary Education Act of 1965, 20
11 U.S.C. §6301 et seq., as amended by the federal No Child Left
12 Behind Act of 2001, Pub. L. No. 107-110. Curricula developed
13 by the department, school districts, and accredited nonpublic
14 schools for the core content standards shall integrate lessons
15 and tools relating to local foods and farm-to-school programs
16 that engage students in thinking and learning about local food
17 advantages, agriculture, and nutrition. School districts and
18 accredited nonpublic schools shall include, at a minimum, the
19 core content standards adopted pursuant to this subsection
20 in any set of locally developed content standards. School
21 districts and accredited nonpublic schools are strongly
22 encouraged to set higher expectations in local standards. As
23 changes in federal law or regulation occur, the state board is
24 authorized to amend the core content standards as appropriate.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill requires that curricula developed for the core
29 content standards by the department of education, school
30 districts, and accredited nonpublic schools integrate lessons
31 and tools relating to local foods and farm-to-school programs
32 and activities that engage students in thinking and learning
33 about local food advantages, agriculture, and nutrition.

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House File 291 - Introduced

HOUSE FILE 291
BY WILLS

A BILL FOR

1 An Act relating to the statute of limitations for prosecution
2 of certain misdemeanors involving wildlife and hunting and
3 fishing.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 802.4, Code 2015, is amended to read as
2 follows:

3 **802.4 Simple misdemeanor —~~ordinance~~.**

4 1. A prosecution for a simple misdemeanor or violation of a
5 municipal or county rule or ordinance shall be commenced within
6 one year after its commission.

7 2. Notwithstanding subsection 1, a prosecution for a
8 violation of chapter 481A or 483A that is a simple misdemeanor
9 shall be commenced within two years after discovery of the
10 violation.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill provides that the statute of limitations for
15 prosecution for a violation of Code chapter 481A (wildlife
16 conservation) or Code chapter 483A (fishing and hunting
17 licenses, contraband, and guns) that is a simple misdemeanor is
18 within two years after discovery of the violation. Currently,
19 the statute of limitations for prosecution of a simple
20 misdemeanor is within one year after commission of the offense.



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House File 292 - Introduced

HOUSE FILE 292

BY ABDUL-SAMAD, MEYER, GAINES,
OLDSON, and HUNTER

A BILL FOR

1 An Act requiring certain peace officers and school security
2 personnel to wear a body camera.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 80C.1 Peace officer body cameras —
2 requirement — confidentiality.

3 1. As used in this section unless the context otherwise
4 requires:

5 a. "Body camera" means an electronic device that is capable
6 of recording video and audio data or capable of transmitting
7 video and audio data to be recorded remotely, and is worn on
8 the person of a peace officer, which includes being attached to
9 the officer's clothing or worn on glasses.

10 b. "Peace officer" means a peace officer defined in section
11 801.4, subsection 11, paragraphs "a", "b", "c", "f", "g", "h",
12 and "i". "Peace officer" also includes any person designated by
13 a school or school district to provide security at a public or
14 nonpublic school.

15 2. A peace officer shall wear a body camera at all times
16 while on duty and in uniform and shall record using the camera
17 all contacts with people in the performance of the official
18 duties of the peace officer from the beginning to the end of
19 those contacts.

20 3. A body camera shall be worn on the chest or at the eye
21 level of the peace officer.

22 4. A peace officer shall inform a person when that person
23 is being recorded by a body camera unless informing the person
24 would be unsafe, impractical, or impossible.

25 5. A recording created by a body camera shall be retained
26 for a period of at least two years from the date of the
27 recording. The recording shall be retained by the law
28 enforcement agency employing the peace officer or the public or
29 nonpublic school or school district that designates the peace
30 officer to provide security.

31 6. A peace officer who fails to record any contact
32 as required by this section shall be suspended until an
33 investigation into the cause of the recording failure has been
34 completed.

35 7. Section 22.7, subsection 5, does not apply to the

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1 recording unless the recording is part of an ongoing criminal
2 investigation, and then the confidentiality only applies until
3 the conclusion of that investigation.

4 8. The law enforcement agency employing the peace officer
5 or the public or nonpublic school or school district that
6 designates the peace officer to provide security shall
7 participate in any existing state or federal programs that fund
8 or supplement the costs to purchase and maintain body cameras
9 worn by peace officers.

10 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
11 3, shall not apply to this Act.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill requires certain peace officers and school
16 security personnel to wear a body camera.

17 The bill defines "body camera" to mean an electronic device
18 that is capable of recording video and audio data or capable of
19 transmitting video and audio data to be recorded remotely, and
20 is worn on the person of a peace officer.

21 The body camera requirement applies to a county sheriff
22 or deputy sheriff, city peace officer, peace officer member
23 of the department of public safety, peace officer at a
24 regents institution, conservation officer, an employee of the
25 department of transportation designated as a peace officer,
26 an employee of an aviation authority designated as a peace
27 officer, and a person designated by a school or school district
28 to provide security at a public or nonpublic school.

29 The bill requires a peace officer to wear a body camera
30 at all times while on duty and in uniform. The bill further
31 requires that the peace officer record all contacts with people
32 in the performance of the official duties of the peace officer
33 from the beginning to the end of those contacts.

34 The bill specifies that a body camera must be worn on the
35 chest or at the eye level of the peace officer.

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1 The bill requires a peace officer to inform a person when
2 that person is being recorded by a body camera unless informing
3 the person would be unsafe, impractical, or impossible.

4 The bill specifies that the recording created with a body
5 camera shall be retained for a period of at least two years
6 from the date of the recording. The recording shall be
7 retained by the law enforcement agency employing the peace
8 officer or the school district or public or private school that
9 designates the peace officer to provide security.

10 A peace officer who fails to record any contact as required
11 by the bill shall be suspended until an investigation into the
12 cause of the recording failure has been completed.

13 The bill provides that the recording is not a confidential
14 record unless the recording is part of an ongoing criminal
15 investigation, and then the confidentiality under the bill only
16 applies until the conclusion of that investigation.

17 The bill specifies that a law enforcement agency employing
18 the peace officer or the public or nonpublic school or school
19 district that designates the peace officer to provide security
20 shall participate in any existing state or federal programs
21 that fund or supplement the costs to purchase and maintain
22 body cameras worn by peace officers.

23 The bill may include a state mandate as defined in Code
24 section 25B.3. The bill makes inapplicable Code section 25B.2,
25 subsection 3, which would relieve a political subdivision from
26 complying with a state mandate if funding for the cost of
27 the state mandate is not provided or specified. Therefore,
28 political subdivisions are required to comply with any state
29 mandate included in the bill.

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House File 293 - Introduced

HOUSE FILE 293

BY HEARTSILL, SALMON, HOLT,
MOMMSEN, KOOIKER, WILLS,
VANDER LINDEN, FISHER,
GASSMAN, and SHEETS

A BILL FOR

1 An Act relating to elections and voter registration by
2 requiring proof of identification to vote, modifying
3 in-person absentee registration procedures, modifying
4 absentee voting procedures for eligible voters in assisted
5 living programs, creating a criminal offense for falsely
6 swearing certain oaths and affidavits, and including
7 applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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DIVISION I

VOTER IDENTIFICATION REQUIREMENTS

3 Section 1. Section 39A.2, subsection 1, paragraph b, Code
4 2015, is amended by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. (6) Falsely swears to or affirms an
6 oath required pursuant to section 49.77, subsection 3, or an
7 affidavit pursuant to section 49.81, subsection 5, paragraph
8 "b".

9 Sec. 2. Section 48A.7A, subsection 1, paragraph a, Code
10 2015, is amended to read as follows:

11 a. A person who is eligible to register to vote and to vote
12 may register on election day by appearing in person at the
13 polling place for the precinct in which the individual resides
14 and completing a voter registration application, making written
15 oath, and providing proof of identity and ~~residence~~ proof of
16 residence pursuant to paragraph "b".

17 Sec. 3. Section 48A.7A, subsection 2, Code 2015, is amended
18 to read as follows:

19 2. The oath required in subsection 1, paragraph "a", and
20 in paragraph "c", if applicable, shall be executed on the
21 same piece of paper and attached to the voter registration
22 application.

23 Sec. 4. Section 49.53, subsection 1, Code 2015, is amended
24 to read as follows:

1. The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not

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1 cause upper case letters appearing in candidates' names or in
2 summaries of public measures on the published sample ballot to
3 be less than nine point type. The notice shall also state the
4 date of the election, the hours the polls will be open, that
5 all voters will be required to show proof of identification
6 before casting a ballot, the location of each polling place at
7 which voting is to occur in the election, and the names of the
8 precincts voting at each polling place, but the statement need
9 not set forth any fact which is apparent from the portion of
10 the ballot appearing as a part of the same notice. The notice
11 shall include the full text of all public measures to be voted
12 upon at the election.

13 Sec. 5. Section 49.77, subsection 3, Code 2015, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 3. a. A precinct election official shall require the voter
17 to present for inspection proof of identification before being
18 allowed to vote.

19 b. For purposes of this section, "*proof of identification*"
20 refers to a document that satisfies all of the following:

21 (1) The document shows the name of the individual to whom
22 the document was issued which shall conform to the name on the
23 election register.

24 (2) The document shows a photograph of the individual to
25 whom it was issued.

26 (3) The document was issued by the government of the
27 United States, the state of Iowa, an Iowa public or private
28 university or college, an Iowa secondary school, or a political
29 subdivision of the state of Iowa. In the case of a document
30 issued by a political subdivision, the document shall be
31 issued not later than the close of voter registration for
32 the applicable election as set forth in section 48A.9 and
33 shall meet all other requirements established by the state
34 commissioner by rule.

35 c. In lieu of paragraph "b", a person wishing to vote may

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1 establish proof of identity by written oath of the person
2 wishing to vote and of an attesting person who provides proof
3 of identification pursuant to paragraph "b". The oath shall be
4 in the form prescribed by the state commissioner of elections
5 and shall state the identity and attest to the stated identity
6 of the person wishing to vote. The oath must be signed by the
7 attesting person and the person wishing to vote in the presence
8 of the appropriate precinct election official. A person who
9 has signed an oath attesting to a person's identity as provided
10 in this paragraph is prohibited from signing any further oaths
11 as provided in this paragraph for the same election. The oath
12 shall advise the person wishing to vote and the attesting
13 person that falsely signing such an oath or falsely attesting
14 to a voter's identity is a class "D" felony.

15 d. The commissioner shall, within forty-five days after
16 each election, review all attestations received under this
17 subsection and if any individual is found to have attested for
18 more than one voter in a particular election, the commissioner
19 shall immediately notify the state commissioner and the county
20 attorney.

21 Sec. 6. Section 49.77, Code 2015, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3A. a. If proof of identification is
24 established under subsection 3, the person shall be allowed to
25 vote.

26 b. If a person is unable or refuses to present proof of
27 identification, or the precinct election official determines
28 the proof of identification presented by the person does
29 not qualify as proof of identification under subsection
30 3, paragraph "b", or proof of identity under subsection 3,
31 paragraph "c", the person shall be offered the option to vote a
32 ballot, but only in accordance with section 49.81.

33 Sec. 7. Section 49.77, subsection 4, paragraph a, Code 2015,
34 is amended to read as follows:

35 a. A person whose name does not appear on the election

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1 register of the precinct in which that person claims the right
2 to vote shall not be permitted to vote, unless the person
3 affirms that the person is currently registered in the county
4 ~~and presents proof of identity,~~ or the commissioner informs
5 the precinct election officials that an error has occurred
6 and that the person is a registered voter of that precinct,
7 and the person presents proof of identification pursuant to
8 subsection 3. If the commissioner finds no record of the
9 person's registration but the person insists that the person
10 is a registered voter of that precinct, the precinct election
11 officials shall allow the person to cast a ballot in the manner
12 prescribed by section 49.81.

13 Sec. 8. Section 49.81, subsection 1, Code 2015, is amended
14 to read as follows:

15 1. A prospective voter who is prohibited under section
16 48A.8, subsection 4, section 49.77, subsection 3A, paragraph
17 "b", section 49.77, subsection 4, section 49.80, or section
18 53.19, subsection 3, or section 53.22, subsection 1, paragraph
19 "d", from voting except under this section shall be notified by
20 the appropriate precinct election official that the voter may
21 cast a provisional ballot. The voter shall mark the ballot and
22 immediately seal it in an envelope of the type prescribed by
23 subsection 4. The voter shall deliver the sealed envelope to a
24 precinct election official who shall deposit it in an envelope
25 marked "provisional ballots". The ballot shall be considered
26 as having been cast in the special precinct established by
27 section 53.20 for purposes of the postelection canvass.

28 Sec. 9. Section 49.81, subsection 2, paragraph b, Code 2015,
29 is amended to read as follows:

30 b. If the person is casting a provisional ballot because
31 the person ~~failed~~ was unable or refused to provide a required
32 form of identification pursuant to section 48A.8, subsection
33 4, section 49.77, subsection 3A, paragraph "b", section 49.77,
34 subsection 4, or section 53.22, subsection 1, paragraph "d", a
35 list of the types of acceptable identification and notification

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1 that the person must show identification before the ballot can
2 be counted.

3 Sec. 10. Section 49.81, Code 2015, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 5. *a.* If a voter casts a provisional
6 ballot pursuant to section 49.77, subsection 3A, paragraph
7 "b", the precinct election official shall indicate on the
8 provisional ballot envelope that the voter is casting a
9 provisional ballot due to the voter's inability or refusal to
10 present proof of identification.

11 *b.* At the time a provisional ballot is cast the voter may
12 also execute an affidavit in the form prescribed by the state
13 commissioner which shall be attached to the provisional ballot
14 envelope, affirming that the voter is the person the voter
15 claims to be and further affirming either of the following:

16 (1) The voter is indigent and is unable to obtain proof of
17 identification without the payment of a fee.

18 (2) The voter has a religious objection to being
19 photographed.

20 *c.* A provisional ballot cast pursuant to section 49.77,
21 subsection 3A, paragraph "b", which is accompanied by an
22 affidavit executed pursuant to paragraph "b" of this subsection
23 shall be presumed valid by the special precinct board and
24 shall be counted unless additional written statements or
25 documents are delivered to the commissioner's office prior to
26 the date provisional ballots are considered by the special
27 precinct election board and the special precinct election board
28 determines such additional evidence successfully rebuts the
29 presumption of validity.

30 Sec. 11. Section 53.8, subsection 3, paragraph a, Code 2015,
31 is amended to read as follows:

32 *a.* When an application for an absentee ballot is received by
33 the commissioner of any county from a registered voter who is a
34 patient in a hospital in that county, a tenant of an assisted
35 living program certified pursuant to section 231C.3 in that

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1 county, or a resident of any facility in that county shown to
2 be a health care facility by the list of licenses provided the
3 commissioner under section 135C.29, the absentee ballot shall
4 be delivered to the voter and returned to the commissioner in
5 the manner prescribed by section 53.22.

6 Sec. 12. Section 53.10, subsection 2, Code 2015, is amended
7 to read as follows:

8 2. Each person who wishes to vote by absentee ballot at
9 the commissioner's office shall first sign an application for
10 a ballot including the following information: name, current
11 address, and the election for which the ballot is requested.
12 The person may report a change of address or other information
13 on the person's voter registration record at that time. The
14 person must also provide proof of identification pursuant to
15 section 49.77, subsection 3, before receiving an absentee
16 ballot. Upon receiving the absentee ballot, the registered
17 voter shall immediately mark the ballot; enclose the ballot in
18 a secrecy envelope, if necessary, and seal it in the envelope
19 marked with the affidavit; subscribe to the affidavit on the
20 reverse side of the envelope; and return the absentee ballot to
21 the commissioner. The commissioner shall record the numbers
22 appearing on the application and affidavit envelope along with
23 the name of the registered voter. If a person does not provide
24 proof of identification as required under this subsection, the
25 person shall be offered the option to vote a provisional ballot
26 pursuant to section 49.77, subsection 3A, paragraph "b".

27 Sec. 13. Section 53.22, subsection 1, paragraph a,
28 subparagraphs (1) and (2), Code 2015, are amended to read as
29 follows:

30 (1) A registered voter who has applied for an absentee
31 ballot, in a manner other than that prescribed by section 53.10
32 or 53.11, and who is a resident, tenant, or patient in a health
33 care facility, assisted living program, or hospital located in
34 the county to which the application has been submitted shall
35 be delivered the appropriate absentee ballot by two special

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1 precinct election officers, one of whom shall be a member of
2 each of the political parties referred to in section 49.13, who
3 shall be appointed by the commissioner from the election board
4 panel for the special precinct established by section 53.20.
5 The special precinct election officers shall be sworn in the
6 manner provided by section 49.75 for election board members,
7 shall receive compensation as provided in section 49.20,
8 and shall perform their duties during the ten calendar days
9 after the ballots are printed if the commissioner so elects,
10 during the fourteen calendar days preceding the election, and
11 on election day if all ballots requested under section 53.8,
12 subsection 3, have not previously been delivered and returned.

13 (2) If materials are prepared for the two special precinct
14 election officials, a list shall be made of all voters to whom
15 ballots are to be delivered. The list shall be sent with the
16 officials who deliver the ballots and shall include spaces
17 to indicate whether the person was present at the hospital,
18 assisted living program, or health care facility when the
19 officials arrived, whether the person requested assistance
20 from the officials, whether the person was assisted by another
21 person of the voter's choice, the time that the ballot was
22 returned to the officials, and any other notes the officials
23 deem necessary.

24 Sec. 14. Section 53.22, subsection 1, paragraph b, Code
25 2015, is amended to read as follows:

26 b. If an applicant under this subsection notifies the
27 commissioner that the applicant will not be available at the
28 health care facility, assisted living program, or hospital
29 address at any time during the ten-day period after the ballots
30 are printed, if applicable, or during the fourteen-day period
31 immediately prior to the election, but will be available there
32 at some other time prior to the election or on election day,
33 the commissioner shall direct the two special precinct election
34 officers to deliver the applicant's ballot at an appropriate
35 time preceding the election or on election day. If a person

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1 who so requested an absentee ballot has been dismissed from the
2 health care facility, assisted living program, or hospital, the
3 special precinct election officers may take the ballot to the
4 voter if the voter is currently residing in the county.

5 Sec. 15. Section 53.22, subsection 1, Code 2015, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* Before receiving a ballot under
8 this subsection, each applicant shall present proof of
9 identification pursuant to section 49.77, subsection 3, to
10 the special precinct election board members. If an applicant
11 is unable to present proof of identification, the applicant
12 shall have an opportunity to execute an affidavit in the form
13 prescribed by the state commissioner of elections affirming
14 that the voter does not have and is unable to obtain proof
15 of identification and that the voter resides in a hospital,
16 assisted living program, or health care facility and is casting
17 a ballot pursuant to this section. If the applicant refuses to
18 execute an affidavit, the voter's ballot shall be considered a
19 provisional ballot cast pursuant to section 49.81.

20 Sec. 16. Section 53.22, subsections 2, 3, 4, and 6, Code
21 2015, are amended to read as follows:

22 2. Any registered voter who becomes a patient, tenant, or
23 resident of a hospital, assisted living program, or health
24 care facility in the county where the voter is registered to
25 vote within three days prior to the date of any election or on
26 election day may request an absentee ballot during that period
27 or on election day. As an alternative to the application
28 procedure prescribed by section 53.2, the registered voter
29 may make the request directly to the officers who are
30 delivering and returning absentee ballots under this section.
31 Alternatively, the request may be made by telephone to the
32 office of the commissioner not later than four hours before
33 the close of the polls. If the requester is found to be a
34 registered voter of that county, these officers shall deliver
35 the appropriate absentee ballot to the registered voter in the

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1 manner prescribed by this section.

2 3. For any election except a primary or general election
3 or a special election to fill a vacancy under section 69.14,
4 the commissioner may, as an alternative to subsection 1, mail
5 an absentee ballot to an applicant under this section to be
6 voted and returned to the commissioner in accordance with this
7 chapter. This subsection only applies to applications for
8 absentee ballots from a single health care facility, assisted
9 living program, or hospital if there are no more than two
10 applications from that facility, assisted living program, or
11 hospital.

12 4. The commissioner shall mail an absentee ballot to a
13 registered voter who has applied for an absentee ballot and
14 who is a patient, tenant, or resident of a hospital, assisted
15 living program, or health care facility outside the county in
16 which the voter is registered to vote.

17 6. Observers representing candidates, political parties,
18 or nonparty political organizations, or observers who are
19 opponents or proponents of a ballot issue to be voted on at
20 the election are prohibited from being present at a hospital,
21 assisted living program, or health care facility during the
22 time the special precinct election officers are delivering
23 absentee ballots to the residents of such hospital or health
24 care facility.

25 Sec. 17. Section 53.22, subsection 5, paragraph a, Code
26 2015, is amended to read as follows:

27 a. If the registered voter becomes a patient, tenant, or
28 resident of a hospital, assisted living program, or health care
29 facility outside the county where the voter is registered to
30 vote within three days before the date of any election or on
31 election day, the voter may designate a person to deliver and
32 return the absentee ballot. The designee may be any person the
33 voter chooses except that no candidate for any office to be
34 voted upon for the election for which the ballot is requested
35 may deliver a ballot under this subsection. The request for

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1 an absentee ballot may be made by telephone to the office of
2 the commissioner not later than four hours before the close of
3 the polls. If the requester is found to be a registered voter
4 of that county, the ballot shall be delivered by mail or by the
5 person designated by the voter. An application form shall be
6 included with the absentee ballot and shall be signed by the
7 voter and returned with the ballot.

8 Sec. 18. Section 321.190, subsection 1, paragraph d, Code
9 2015, is amended to read as follows:

10 d. The fee for a nonoperator's identification card shall
11 be eight dollars and the card shall be valid for a period of
12 eight years from the date of issuance. If an applicant for
13 a nonoperator's identification card is a foreign national
14 who is temporarily present in this state, the nonoperator's
15 identification card shall be issued only for the length of time
16 the foreign national is authorized to be present as determined
17 by the department, not to exceed two years. An issuance fee
18 shall not be charged for a person whose driver's license or
19 driving privilege has been suspended under section 321.210,
20 subsection 1, paragraph "a", subparagraph (3), for a person
21 obtaining an identification card to be used under section
22 49.77, subsection 3, for voting purposes, or voluntarily
23 surrendered by the person in lieu of suspension under section
24 321.210, subsection 1, paragraph "a". An identification card
25 obtained for voting purposes shall be marked by the department
26 as "For Voting Purposes Only".

27 DIVISION II

28 CONFORMING PROVISIONS

29 Sec. 19. Section 48A.8, subsection 2, unnumbered paragraph
30 1, Code 2015, is amended to read as follows:

31 An eligible elector who registers by mail and who has
32 not previously voted in an election for federal office in
33 the county of registration shall be required to provide
34 additional identification documents when voting for the first
35 time in the county, unless the registrant provided on the

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1 registration form the registrant's Iowa driver's license
2 number, or the registrant's Iowa nonoperator's identification
3 card number, or the last four numerals of the registrant's
4 social security number and the driver's license, nonoperator's
5 identification, or partial social security number matches
6 an existing state or federal identification record with the
7 same number, name, and date of birth. If the registrant
8 is required to show additional identification under this
9 subsection and votes in person at the polls, or by absentee
10 ballot at the commissioner's office or at a satellite voting
11 station, the registrant shall provide a current and valid
12 photo identification card, or shall present to the appropriate
13 election official one of the following current documents that
14 shows the name and address of the registrant:

15 Sec. 20. Section 48A.8, subsection 4, Code 2015, is amended
16 to read as follows:

17 4. A registrant under subsection 2 who is required to
18 present additional identification when casting a ballot in
19 person shall be permitted to vote a provisional ballot if the
20 voter does not provide the required additional identification
21 documents pursuant to subsection 2. If a voter who is required
22 to present such additional identification when casting a ballot
23 votes an absentee ballot by mail, the ballot returned by the
24 voter shall be considered a provisional ballot pursuant to
25 sections 49.81 and 53.31.

26 Sec. 21. Section 48A.27, subsection 4, paragraph c,
27 subparagraph (2), Code 2015, is amended to read as follows:

28 (2) The notice shall contain a statement in substantially
29 the following form:

30 Information received from the United States postal service
31 indicates that you are no longer a resident of, and therefore
32 not eligible to vote in (name of county) County, Iowa. If this
33 information is not correct, and you still live in (name of
34 county) County, please complete and mail the attached postage
35 paid card at least ten days before the primary or general

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1 election and at least eleven days before any other election at
2 which you wish to vote. If the information is correct and you
3 have moved, please contact a local official in your new area
4 for assistance in registering there. ~~If you do not mail in~~
5 ~~the card, you may be required to show identification before~~
6 ~~being allowed to vote in (name of county) County.~~ If you do not
7 return the card, and you do not vote in an election in (name
8 of county) County, Iowa, on or before (date of second general
9 election following the date of the notice) your name will be
10 removed from the list of voters in that county.

11 Sec. 22. Section 48A.29, subsection 1, paragraph b, Code
12 2015, is amended to read as follows:

13 b. The notice shall contain a statement in substantially the
14 following form:

15 Information received from the United States postal service
16 indicates that you are no longer a resident of (residence
17 address) in (name of county) County, Iowa. If this information
18 is not correct, and you still live in (name of county) County,
19 please complete and mail the attached postage paid card at
20 least ten days before the primary or general election and at
21 least eleven days before any other election at which you wish
22 to vote. If the information is correct, and you have moved,
23 please contact a local official in your new area for assistance
24 in registering there. ~~If you do not mail in the card, you may~~
25 ~~be required to show identification before being allowed to vote~~
26 ~~in (name of county) County.~~ If you do not return the card, and
27 you do not vote in some election in (name of county) County,
28 Iowa, on or before (date of second general election following
29 the date of the notice) your name will be removed from the list
30 of voters in that county.

31 Sec. 23. Section 48A.29, subsection 3, paragraph b, Code
32 2015, is amended to read as follows:

33 b. The notice shall contain a statement in substantially the
34 following form:

35 Information received by this office indicates that you are no

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1 longer a resident of (residence address) in (name of county)
2 County, Iowa. If the information is not correct, and you still
3 live at that address, please complete and mail the attached
4 postage paid card at least ten days before the primary or
5 general election and at least eleven days before any other
6 election at which you wish to vote. If the information is
7 correct, and you have moved within the county, you may update
8 your registration by listing your new address on the card and
9 mailing it back. If you have moved outside the county, please
10 contact a local official in your new area for assistance in
11 registering there. ~~If you do not mail in the card, you may be~~
12 ~~required to show identification before being allowed to vote in~~
13 ~~(name of county) County.~~ If you do not return the card, and you
14 do not vote in some election in (name of county) County, Iowa,
15 on or before (date of second general election following the
16 date of the notice) your name will be removed from the list of
17 registered voters in that county.

18 DIVISION III

19 APPLICABILITY

20 Sec. 24. APPLICABILITY. This Act applies to elections held
21 on or after January 1, 2017.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill requires that a person provide certain proof of
26 identification at the time that the person votes, modifies
27 proof of identification and proof of residence requirements
28 for election day and in-person absentee registration, modifies
29 absentee voting procedures for eligible voters in assisted
30 living programs, and creates a criminal offense for falsely
31 swearing certain oaths and affidavits.

32 Division I of the bill relates to voter identification
33 requirements. The bill maintains current law allowing a person
34 wishing to register to vote on election day, or in person when
35 voting an absentee ballot, to establish proof of identity

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1 and proof of residence by written oath of a person who is
2 registered to vote in the precinct, but requires that the oath
3 of the person wishing to vote and the registered voter's oath
4 be executed on the same piece of paper.

5 The bill requires that a voter provide proof of
6 identification to a precinct election official before being
7 allowed to vote, and also requires that a person wishing to
8 vote by absentee ballot at a county commissioner of elections
9 office or at a satellite absentee voting station present
10 the same proof of identification. The bill requires that
11 acceptable proof of identification show the name of the
12 individual voter, include a photograph of the voter, and be
13 issued by the government of the United States, the state of
14 Iowa, an Iowa public or private university or college, an Iowa
15 secondary school, or a political subdivision of the state.

16 The bill provides that, in lieu of providing identification
17 in order to vote, a person may establish proof of
18 identification by written oath of the person wishing to vote
19 and of a person who provides their own proof of identification
20 and who attests to the voter's identity. The bill provides
21 that the oath shall be in the form prescribed by the state
22 commissioner of elections, and that the oath shall state the
23 identity of the person wishing to vote and shall attest to
24 the stated identity of the person wishing to vote. The bill
25 requires that the oath be signed by both the attesting person
26 and the person wishing to vote. The bill makes it a class "D"
27 felony to falsely swear to or affirm an oath pursuant to this
28 provision or to falsely attest to a voter's identity. The bill
29 requires that the oath advise both persons that falsely stating
30 or attesting to a voter's identity is a class "D" felony. A
31 class "D" felony is punishable by confinement for no more than
32 five years and a fine of at least \$750 but not more than \$7,500.
33 The bill provides that an attesting person is prohibited from
34 signing any additional such oaths for the same election.

35 The bill provides that if proof of identification is

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1 established the person shall then be allowed to vote. If a
2 person is unable or refuses to present proof of identification,
3 or if the precinct election official determines that the
4 proof of identification does not meet specified requirements,
5 the person shall be offered the option to vote a provisional
6 ballot. If a person is casting a provisional ballot
7 under these circumstances, the person shall receive a
8 printed statement giving notice of the types of acceptable
9 identification and notice that the person is required to show
10 acceptable identification before the provisional ballot can
11 be counted. However, the bill provides that a voter casting
12 a provisional ballot for this reason may execute an affidavit
13 in the form prescribed by the state commissioner of elections,
14 affirming that the voter is the person the voter claims to be
15 and affirming that the voter is either indigent and unable to
16 obtain proof of identification without the payment of a fee or
17 that the voter has a religious objection to being photographed.

18 The bill makes it a class "D" felony to falsify an affidavit
19 that attests to identity. A class "D" felony is punishable by
20 confinement for no more than five years and a fine of at least
21 \$750 but not more than \$7,500. The bill also provides that
22 any provisional ballot cast accompanied by such an affidavit
23 shall be presumed valid unless additional written statements
24 or documents are delivered to the county commissioner of
25 elections office prior to the date that provisional ballots
26 are considered and the precinct election board determines that
27 such additional evidence successfully rebuts the presumption
28 of validity.

29 The bill also makes changes to the election notice to be
30 published by the county commissioner of elections to require
31 that election notices include a statement that all voters will
32 be required to show proof of identification before casting a
33 ballot.

34 The bill requires that persons residing in a hospital or
35 health care facility who apply to vote by absentee ballot shall

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1 present proof of identification. If the applicant is unable to
2 present proof of identification, the applicant shall be able
3 to execute an affidavit in the form prescribed by the state
4 commissioner of elections, stating that the applicant does not
5 have and is unable to obtain proof of identification and that
6 the applicant resides in a hospital or health care facility.
7 If the applicant refuses to execute such an affidavit and is
8 unable to present proof of identification, the voter is allowed
9 to cast a provisional ballot. The bill further extends all
10 provisions applying to balloting by residents of a health
11 care facility and hospital patients to include tenants of an
12 assisted living program.

13 The bill also provides that a person obtaining a
14 nonoperator's identification card for the purpose of voting
15 shall not be charged for the issuance of the nonoperator's
16 identification card. The bill requires that nonoperator's
17 identification cards issued to serve as proof of identification
18 for voting be labeled by the department as "For Voting Purposes
19 Only".

20 Division II of the bill makes conforming changes to certain
21 required notices on forms related to voter registration and
22 registration by mail.

23 Division III of the bill provides that the bill applies to
24 elections held on or after January 1, 2017.



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House File 294 - Introduced

HOUSE FILE 294
BY MASCHER

A BILL FOR

1 An Act relating to child care provider reimbursement rates
2 under the state child care assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2148YH (3) 86
rh/nh



Iowa General Assembly
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H.F. 294

1 Section 1. CHILD CARE PROVIDER REIMBURSEMENT RATES. For the
2 fiscal year beginning July 1, 2015, for child care providers
3 reimbursed under the state child care assistance program,
4 the department shall set provider reimbursement rates based
5 on the rate reimbursement survey completed in December 2014.
6 The department shall set rates in a manner so as to provide
7 incentives for a nonregistered provider to become registered
8 by applying the increase only to registered and licensed
9 providers.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill requires the department of human services to set
14 child care provider reimbursement rates under the state child
15 care assistance program based on the rate reimbursement survey
16 completed in December 2014. The department shall set rates
17 in a manner so as to provide incentives for a nonregistered
18 provider to become registered by applying the increase only to
19 registered and licensed providers.



Iowa General Assembly
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House File 295 - Introduced

HOUSE FILE 295
BY MASCHER

A BILL FOR

1 An Act concerning background checks relating to certain
2 nonregistered child care home providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2180YH (4) 86
rh/nh



Iowa General Assembly
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H.F. 295

1 Section 1. Section 237A.5, subsection 2, paragraph a,
2 subparagraph (1), Code 2015, is amended by adding the following
3 new subparagraph division:

4 NEW SUBPARAGRAPH DIVISION. (f) The person will reside or
5 resides in a child care home that is not registered under this
6 chapter and that does not receive public funding for providing
7 child care.

8 Sec. 2. Section 237A.5, subsection 2, paragraph d,
9 subparagraph (2), Code 2015, is amended to read as follows:

10 (2) Except as otherwise provided by law, the cost of a
11 national criminal history check conducted in accordance with
12 subparagraph (1) and the state record checks conducted in
13 accordance with paragraph "c" that are conducted in connection
14 with a person's involvement with a child care center or that
15 are conducted in connection with a person's involvement with
16 a child care home pursuant to paragraph "a", subparagraph (1),
17 subparagraph division (f), are not the responsibility of the
18 department. The department is responsible for the cost of such
19 checks conducted in connection with a person's involvement
20 with a child development home or a child care home pursuant to
21 paragraph "a", subparagraph (1), subparagraph division (e).

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 The bill provides that a person who will reside or who
26 resides in a child care home that is not registered by the
27 department of human services pursuant to Code chapter 237A and
28 that does not receive public funding for providing child care
29 shall be subject to a record check. The bill provides that the
30 department is not responsible for the costs of such records
31 checks.

32 Under Code section 237A.5, the department is required to
33 conduct a criminal and child abuse record check in this state
34 for a person who is subject to a record check under Code
35 chapter 237A and may conduct such a check in other states.

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rh/nh

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H.F. 295

1 In addition, the department may conduct a dependent adult
2 abuse, sex offender registry, or other public or civil offense
3 record check in this state or in other states for a person
4 who is subject to a record check. In addition, the person's
5 fingerprints shall be provided to the department of public
6 safety for submission through the state criminal history
7 repository to the United States department of justice, federal
8 bureau of investigation for a national criminal history check.
9 Under Code section 237A.1, "child care home" means a person
10 or program providing child care to five or fewer children at
11 any one time that is not registered to provide child care under
12 Code chapter 237A.



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House File 296 - Introduced

HOUSE FILE 296

BY FINKENAUER, KOESTER, NUNN,
STANERSON, KAUFMANN,
PAUSTIAN, DEYOE, DRAKE,
WILLS, BYRNES, GRASSLEY,
HIGHFILL, T. TAYLOR, KLEIN,
PRICHARD, OLDSON, HALL,
FORBES, OURTH, LENSING,
RUNNING-MARQUARDT, MEYER,
and BERRY

A BILL FOR

1 An Act concerning public comment on legislation pending before
2 the general assembly.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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House File 297 - Introduced

HOUSE FILE 297
BY GAINES

A BILL FOR

1 An Act relating to the renewal requirements for a standard
2 teaching license.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2043YH (7) 86
kh/rj



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H.F. 297

1 Section 1. Section 272.2, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *c.* Establish the completion of one unit
4 of cultural competency as one of the six units required for
5 renewal of a standard license. For purposes of this paragraph,
6 “*cultural competency*” means awareness and understanding of
7 the values, lifestyles, history, and contributions of various
8 identifiable cultural groups in society; recognizing and
9 dealing with dehumanizing biases such as sexism, racism,
10 prejudice, and discrimination and raising awareness of the
11 impact that such biases have on interpersonal relations;
12 recognizing the ways in which dehumanizing biases may be
13 reflected in instructional materials; and acquiring strategies
14 to manage students from different cultures in a classroom
15 setting.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation’s substance by the members of the general assembly.

19 This bill directs the board of educational examiners to
20 establish the completion of one unit of cultural competency
21 as one of the six units required for renewal of a standard
22 license. For purposes of the bill, “cultural competency” means
23 awareness and understanding of the values, lifestyles, history,
24 and contributions of various identifiable cultural groups in
25 society; recognizing and dealing with dehumanizing biases such
26 as sexism, racism, prejudice, and discrimination and raising
27 awareness of the impact that such biases have on interpersonal
28 relations; recognizing the ways in which dehumanizing biases
29 may be reflected in instructional materials; and acquiring
30 strategies to manage students from different cultures in a
31 classroom setting.



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House File 298 - Introduced

HOUSE FILE 298

BY BEST

(COMPANION TO SF 111 BY ZAUN)

A BILL FOR

1 An Act increasing the amount of the tuition tax credit and
2 including retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. 298

1 Section 1. Section 422.12, subsection 2, paragraph b, Code
2 2015, is amended to read as follows:

3 b. A tuition credit equal to ~~twenty-five~~ fifty percent
4 of the first one thousand dollars ~~which~~ that the taxpayer
5 has paid to others for each dependent in grades kindergarten
6 through twelve, for tuition and textbooks of each dependent
7 in attending an elementary or secondary school situated in
8 Iowa, which school is accredited or approved under section
9 256.11, which is not operated for profit, and which adheres
10 to the provisions of the federal Civil Rights Act of 1964 and
11 chapter 216. Notwithstanding any other provision, all other
12 credits allowed under this subsection shall be deducted before
13 the tuition credit under this paragraph. The department, when
14 conducting an audit of a taxpayer's return, shall also audit
15 the tuition tax credit portion of the tax return.

16 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
17 retroactively to January 1, 2015, for tax years beginning on
18 or after that date.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill increases the amount of tuition tax credit allowed
23 under Code section 422.12 from 25 percent of the first \$1,000
24 paid for tuition and textbooks to 50 percent of the first
25 \$1,000 paid.

26 The bill applies retroactively to January 1, 2015, for tax
27 years beginning on or after that date.



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House File 299 - Introduced

HOUSE FILE 299
BY WINDSCHITL

A BILL FOR

1 An Act prohibiting the use of agreements concerning private
2 land owners entered into by the loess hills development and
3 conservation authority or the loess hills alliance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1833YH (2) 86
da/sc



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House File 300 - Introduced

HOUSE FILE 300

BY STECKMAN, OLDSON, GASKILL,
LENSING, STUTSMAN,
GASSMAN, DAWSON, BERRY,
RUNNING-MARQUARDT,
STAED, OURTH, BEARINGER,
ANDERSON, HANSON, MASCHER,
WOLFE, H. MILLER, THEDE,
BROWN-POWERS, T. TAYLOR,
McCONKEY, RUFF, HUNTER,
FORBES, KELLEY, and
HEARTSILL

(COMPANION TO SF 146 BY HART)

A BILL FOR

1 An Act relating to human trafficking outreach, awareness, and
2 training programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1997YH (3) 86
jh/rj

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H.F. 300

1 Section 1. NEW SECTION. 710A.6 Outreach, awareness, and
2 training programs.

3 The crime victim assistance division of the department of
4 justice, in cooperation with other governmental agencies and
5 nongovernmental or community organizations, shall develop and
6 conduct outreach, public awareness, and training programs for
7 the general public, law enforcement agencies, first responders,
8 potential victims, and persons conducting or regularly dealing
9 with businesses or other ventures that have a high statistical
10 incidence of debt bondage or forced labor or services. The
11 programs shall train participants to recognize and report
12 incidents of human trafficking and to suppress the demand that
13 fosters exploitation of persons and leads to human trafficking.

EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to human trafficking outreach, awareness,
18 and training programs.

19 The bill directs the crime victim assistance division of the
20 department of justice, in cooperation with other governmental
21 agencies and nongovernmental or community organizations, to
22 develop and conduct outreach, public awareness, and training
23 programs related to human trafficking.

24 The bill provides that the programs are intended for the
25 general public, law enforcement agencies, first responders,
26 potential victims, and persons conducting or regularly dealing
27 with businesses that have a high statistical incidence of debt
28 bondage or forced labor or services.

29 The bill provides that the programs train participants to
30 recognize and report incidents of human trafficking and to
31 suppress the demand that fosters exploitation of persons and
32 leads to human trafficking.

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House File 301 - Introduced

HOUSE FILE 301

BY GAINES, STAED, MEYER,
BROWN-POWERS, MASCHER,
ABDUL-SAMAD, and LENSING

A BILL FOR

1 An Act prohibiting public employers from seeking information
2 regarding felony convictions from job applicants unless
3 required by law.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2163YH (3) 86
je/sc



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H.F. 301

1 Section 1. NEW SECTION. 70A.40 Hiring — prohibited
2 information.

3 1. For purposes of this section:

4 a. “*Felony*” means a conviction in a court of this or any
5 other state or of the United States, of an offense classified
6 as a felony by the law under which the defendant was convicted
7 at the time of the defendant’s conviction.

8 b. “*Public employer*” means the state, its boards,
9 commissions, agencies, and departments, and its political
10 subdivisions, including counties, cities, school districts, and
11 other special purpose districts.

12 2. Unless required to do so by a state law or a federal
13 law, regulation, or policy, a public employer shall not seek
14 information in an employment application regarding whether
15 an applicant has been convicted of a felony. Where seeking
16 such information is required by a state law or a federal law,
17 regulation, or policy, a public employer shall not implement
18 the state law or the federal law, regulation, or policy in a
19 manner that exceeds the specific requirements of the state law
20 or the federal law, regulation, or policy.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation’s substance by the members of the general assembly.

24 This bill prohibits a public employer from seeking
25 information in an employment application regarding whether
26 an applicant has been convicted of a felony, unless the
27 employer is required to do so by a state law or a federal law,
28 regulation, or policy. The bill provides that where seeking
29 such information is required by a state law or a federal law,
30 regulation, or policy, a public employer shall not implement
31 the state law or the federal law, regulation, or policy in a
32 manner that exceeds the specific requirements of the state law
33 or the federal law, regulation, or policy.

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House File 302 - Introduced

HOUSE FILE 302
BY GAINES, KELLEY, STAED,
MEYER, BROWN-POWERS,
MASCHER, ABDUL-SAMAD,
LENSING, GASKILL, and
OLDSON

A BILL FOR

1 An Act renaming the commission and office on the status of
2 African Americans to include Africans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. 302

1 Section 1. Section 7E.5, subsection 1, paragraph s, Code
2 2015, is amended to read as follows:

3 s. The department of human rights, created in section
4 216A.1, which has primary responsibility for services relating
5 to Latino persons, women, persons with disabilities, community
6 action agencies, criminal and juvenile justice planning,
7 Africans and African Americans, deaf and hard-of-hearing
8 persons, persons of Asian and Pacific Islander heritage, and
9 Native Americans.

10 Sec. 2. Section 216A.1, subsection 1, paragraph a,
11 subparagraph (5), Code 2015, is amended to read as follows:

12 (5) Office on the status of Africans and African Americans.

13 Sec. 3. Section 216A.3, subsection 2, paragraph a, Code
14 2015, is amended to read as follows:

15 a. The voting members shall consist of nine voting members
16 selected by each of the permanent commissions within the
17 department, and two voting members, appointed by the governor.
18 For purposes of this paragraph "a", "*permanent commissions*"
19 means the commission of Latino affairs, commission on the
20 status of women, commission of persons with disabilities,
21 commission on community action agencies, commission of deaf
22 services, criminal and juvenile justice planning advisory
23 council, commission on the status of Africans and African
24 Americans, commission of Asian and Pacific Islander affairs,
25 and commission of Native American affairs. The term of office
26 for voting members is four years.

27 Sec. 4. Section 216A.4, subsection 4, Code 2015, is amended
28 to read as follows:

29 4. "*Underrepresented*" means the historical marginalization
30 of populations or groups in the United States and Iowa,
31 including but not limited to Africans and African Americans,
32 Asian and Pacific Islanders, persons who are deaf or hard of
33 hearing, persons with disabilities, Latinos, Native Americans,
34 women, persons who have low socioeconomic status, at-risk
35 youth, and adults or juveniles with a criminal history.

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H.F. 302

1 Sec. 5. Section 216A.132, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 *b.* The departments of human services, corrections, and
4 public safety, the office on the status of Africans and African
5 Americans, the department of public health, the chairperson of
6 the board of parole, the attorney general, the state public
7 defender, and the governor's office of drug control policy
8 shall each designate a person to serve on the council.

9 Sec. 6. Section 216A.141, subsections 1 and 2, Code 2015,
10 are amended to read as follows:

11 1. "*Commission*" means the commission on the status of
12 Africans and African Americans.

13 2. "*Office*" means the office on the status of Africans and
14 African Americans of the department of human rights.

15 Sec. 7. Section 216A.142, subsection 1, Code 2015, is
16 amended to read as follows:

17 1. The commission on the status of Africans and African
18 Americans is established and shall consist of seven members
19 appointed by the governor, subject to confirmation by the
20 senate. All members shall reside in Iowa. At least five
21 members shall be individuals who are African or African
22 American.

23 Sec. 8. Section 216A.143, subsection 1, Code 2015, is
24 amended to read as follows:

25 1. Study the opportunities for and changing needs of the
26 African and African American ~~community~~ communities in this
27 state.

28 Sec. 9. Section 216A.146, Code 2015, is amended to read as
29 follows:

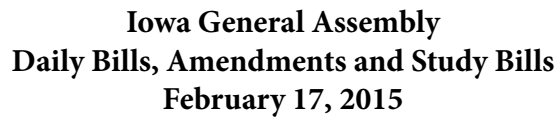
30 **216A.146 Office on the status of Africans and African**
31 **Americans.**

32 The office on the status of Africans and African Americans is
33 established and shall do the following:

34 1. Serve as the central permanent agency to advocate for
35 Africans and African Americans.

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1 2. Coordinate and cooperate with the efforts of state
2 departments and agencies to serve the needs of Africans and
3 African Americans in participating fully in the economic,
4 social, and cultural life of the state, and provide direct
5 assistance to individuals who request it.

6 3. Develop, coordinate, and assist other public or private
7 organizations which serve Africans and African Americans.

8 4. Serve as an information clearinghouse on programs and
9 agencies operating to assist Africans and African Americans.

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

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House File 303 - Introduced

HOUSE FILE 303
BY HEIN

A BILL FOR

1 An Act relating to prorated annual registration fees for motor
2 vehicles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.24, subsection 10, Code 2015, is
2 amended to read as follows:

3 10. A vehicle shall be registered for the registration
4 year. A vehicle registered for the first time in this state
5 shall be registered for the remaining unexpired months of the
6 registration year and pay an annual registration fee prorated
7 for the remaining days in the current unexpired month of the
8 registration year and for the remaining unexpired months of
9 the registration year after the current unexpired month, plus
10 a fee for new registration if applicable pursuant to section
11 321.105A. Except for a vehicle registered under chapter 326, a
12 vehicle registered for the first time during the eleventh month
13 of the owner's registration year may be registered for the
14 remaining unexpired months of the registration year as provided
15 in this subsection or for the remaining unexpired months of
16 the registration year and for the next registration year, upon
17 payment of the applicable registration fees.

18 Sec. 2. Section 321.46, subsection 2, Code 2015, is amended
19 to read as follows:

20 2. Upon filing the application for a new registration and
21 a new title, the applicant shall pay a title fee of twenty
22 dollars, an annual registration fee prorated for the remaining
23 days in the current unexpired month of the registration year
24 and for the remaining unexpired months of the registration
25 year after the current unexpired month, and a fee for new
26 registration if applicable. A manufacturer applying for a
27 certificate of title pursuant to section 322G.12 shall pay a
28 title fee of ten dollars. However, a title fee shall not be
29 charged to a manufactured or mobile home retailer applying for
30 a certificate of title for a used mobile home or manufactured
31 home, titled in Iowa, as required under section 321.45,
32 subsection 4. The county treasurer, if satisfied of the
33 genuineness and regularity of the application, and in the case
34 of a mobile home or manufactured home, that taxes are not owing
35 under chapter 435, and that applicant has complied with all the

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1 requirements of this chapter, shall issue a new certificate
2 of title and, except for a mobile home, manufactured home,
3 or a vehicle returned to and accepted by a manufacturer as
4 described in section 322G.12, a registration card to the
5 purchaser or transferee, shall cancel the prior registration
6 for the vehicle, and shall forward the necessary copies to the
7 department on the date of issuance, as prescribed in section
8 321.24. Mobile homes or manufactured homes titled under
9 chapter 448 that have been subject under section 446.18 to a
10 public bidder sale in a county shall be titled in the county's
11 name, with no fee, and the county treasurer shall issue the
12 title.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 Current law provides that a motor vehicle registered for
17 the first time or registered after a transfer of ownership
18 shall be registered for the remaining unexpired months of the
19 registration year and pay an annual registration fee prorated
20 for the remaining unexpired months of the registration year.

21 This bill provides that the annual registration fee shall be
22 prorated for the remaining days in the current unexpired month
23 of the registration year and for the remaining unexpired months
24 of the registration year after the current unexpired month.



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House File 304 - Introduced

HOUSE FILE 304
BY T. TAYLOR

A BILL FOR

1 An Act relating to civil penalties for citations issued as
2 a result of the use of automated traffic law enforcement
3 systems.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.1, Code 2015, is amended by adding
2 the following new subsection:

3 **NEW SUBSECTION. 06A. "Automated traffic law enforcement**
4 **system"** means a device with one or more sensors working in
5 conjunction with one of the following:

6 a. An official traffic-control signal, to produce recorded
7 images of motor vehicles entering an intersection against a red
8 signal light.

9 b. A speed measuring device, to produce recorded images of
10 motor vehicles traveling at a prohibited rate of speed.

11 c. A railroad grade crossing signal light, as described in
12 section 321.342, to produce images of vehicles violating the
13 signal light.

14 d. Any official traffic-control device, if failure to comply
15 with the official traffic-control device constitutes a moving
16 violation under this chapter.

17 **Sec. 2. NEW SECTION. 321.237A Automated traffic law**
18 **enforcement systems — civil penalties — uniform citations.**

19 1. A penalty imposed by a local authority as a result of the
20 use of an automated traffic law enforcement system shall be a
21 civil penalty.

22 2. The amount of a civil penalty imposed by a local
23 authority as a result of the use of an automated traffic law
24 enforcement system for an offense which would be punishable by
25 a scheduled fine under section 805.8A, subsection 5, 7, or 8,
26 shall be equal to the amount of the applicable scheduled fine.

27 **Sec. 3. Section 331.307, subsection 1, Code 2015, is amended**
28 **to read as follows:**

29 1. A county infraction is a civil offense and, except as
30 provided in section 321.237A, subsection 2, is punishable by a
31 civil penalty of not more than seven hundred fifty dollars for
32 each violation or if the infraction is a repeat offense a civil
33 penalty not to exceed one thousand dollars for each repeat
34 offense.

35 **Sec. 4. Section 364.3, subsection 6, Code 2015, is amended**

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1 to read as follows:

2 6. A Except as provided in section 321.237A, subsection 2,
3 a city shall not provide a civil penalty in excess of seven
4 hundred fifty dollars for the violation of an ordinance which
5 is classified as a municipal infraction or if the infraction is
6 a repeat offense, a civil penalty not to exceed one thousand
7 dollars for each repeat offense. A municipal infraction is not
8 punishable by imprisonment.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to civil penalties for citations issued
13 as the result of the use of automated traffic law enforcement
14 systems.

15 The bill defines "automated traffic law enforcement system"
16 as a device with one or more sensors working in conjunction
17 with an official traffic-control signal, a speed measuring
18 device, a railroad grade crossing signal light, or any other
19 official traffic-control device.

20 The bill provides that a penalty imposed by a local authority
21 as a result of the use of an automated traffic law enforcement
22 system shall be a civil penalty, and, for certain offenses,
23 the amount of the penalty shall be equal to the amount of the
24 scheduled fine applicable under state law to the offense for
25 which the citation was issued.



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House File 305 - Introduced

HOUSE FILE 305

BY GAINES, MEYER, KEARNS,
MASCHER, BROWN-POWERS,
ABDUL-SAMAD, and LENSING

A BILL FOR

1 An Act concerning the issuance of temporary visitor driver's
2 licenses to certain foreign nationals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 321.1, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14A. "*Consular identification document*"
4 means an official identification card issued by a foreign
5 government that meets all of the following requirements:

6 a. The identification card is issued through the foreign
7 government's consular offices for the purpose of identifying
8 a foreign national who is living outside the foreign
9 jurisdiction.

10 b. The foreign government requires the foreign national
11 to provide proof of nationality that is within the foreign
12 government's jurisdiction and proof of identity to obtain the
13 identification card.

14 c. The foreign government includes all of the following
15 security features in the identification card:

16 (1) A unique identification number.

17 (2) An optically variable feature such as a hologram or
18 color-shifting inks.

19 (3) An ultraviolet image.

20 (4) Encoded information.

21 (5) Machine-readable technology.

22 (6) Microprinting.

23 (7) Secure laminate.

24 (8) Integrated photograph and signature.

25 d. The identification card includes on its face the name of
26 the individual to whom it is issued, the date of issuance, the
27 date of expiration, the name of the issuing consular office or
28 foreign government, and the unique identification number. The
29 identification card must include an English translation of the
30 data fields.

31 e. The issuing consular office or foreign government has
32 filed with the department a copy of the foreign government's
33 standard consular identification document and a certification
34 of the procedures that are used to satisfy the requirements of
35 paragraphs "b" and "c".

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H.F. 305

1 Sec. 2. NEW SECTION. 321.182A Temporary visitor driver's
2 license.

3 1. The department may issue a temporary visitor driver's
4 license, valid for a period of two years, to a person who
5 is a resident of this state and is otherwise eligible for a
6 driver's license but does not present a social security number
7 or documentation of authorized presence issued by the United
8 States citizenship and immigration services.

9 2. In addition to other documents accepted by the department
10 under administrative rules to establish the identity and
11 date of birth of an applicant for a driver's license, if the
12 applicant is applying for a temporary visitor driver's license
13 under this section, the department may accept a valid unexpired
14 passport from the applicant's country of citizenship or a valid
15 unexpired consular identification document.

16 3. An applicant for a temporary visitor driver's license
17 who is under eighteen years of age at the time of application
18 is subject to the provisions of sections 321.177, subsection
19 1, and section 321.184.

20 4. Except as otherwise provided by law, a person issued a
21 temporary visitor driver's license is subject to the provisions
22 of this Code and administrative rules to the same extent as a
23 person issued any other driver's license under this chapter,
24 including but not limited to financial liability coverage
25 requirements under section 321.20B and examination requirements
26 under section 321.186.

27 5. A peace officer shall not detain, arrest, penalize, or
28 discriminate against a person based solely on the person's
29 presentation of a temporary visitor driver's license.

30 6. For purposes of this chapter, a temporary visitor
31 driver's license constitutes proof of identity to the same
32 extent as any other driver's license issued pursuant to this
33 chapter. However, a temporary visitor driver's license shall
34 not be used to determine voting eligibility or eligibility for
35 any license issued or benefit or service provided by this state

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1 or a political subdivision of this state.

2 7. The department may adopt rules as necessary to implement
3 this section, including but not limited to rules regarding the
4 design and content of the temporary visitor driver's license;
5 alternative identifying numbers to be used by the department
6 to establish the identity of an applicant, including a federal
7 individual taxpayer identification number; the issuance of
8 temporary visitor driver's instruction permits; and appropriate
9 fees to be charged for issuance of temporary visitor driver's
10 licenses and instruction permits.

11 8. Notwithstanding section 321.11 or any other provision
12 of law to the contrary, in any disclosure pertaining to
13 a licensee, the department shall not distinguish between
14 temporary visitor driver's license status and any other
15 licensure status.

16 Sec. 3. Section 321.189, Code 2015, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 9. *Temporary visitor driver's license.*

19 A temporary visitor driver's license shall be of the same
20 design as a driver's license of the same class, except for
21 such minimal changes as are necessary to comply with the
22 requirements of the federal REAL ID Act of 2005, Pub. L. No.
23 109-13, §202(d)(11).

24 Sec. 4. Section 321.196, subsection 1, Code 2015, is amended
25 to read as follows:

26 1. Except as otherwise provided, if the licensee is between
27 the ages of seventeen years eleven months and seventy-two years
28 on the date of issuance of the license, a driver's license,
29 other than an instruction permit, chauffeur's instruction
30 permit, or commercial driver's instruction permit issued under
31 section 321.180, expires eight years from the licensee's
32 birthday anniversary occurring in the year of issuance, but
33 not to exceed the licensee's seventy-fourth birthday. If the
34 licensee is under the age of seventeen years eleven months
35 or age seventy-two or over, the license is effective for a

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1 period of two years from the licensee's birthday anniversary
2 occurring in the year of issuance. A licensee whose license is
3 restricted due to vision or other physical deficiencies may be
4 required to renew the license every two years. If a licensee
5 is a foreign national who is temporarily present in this state,
6 the license shall be issued only for the length of time the
7 foreign national is authorized to be present as verified by
8 the department, not to exceed two years. A temporary visitor
9 driver's license issued pursuant to section 321.182A shall be
10 issued for two years and may be renewed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill provides for the issuance of a temporary
15 visitor driver's license to a person who presents a consular
16 identification document as proof of identification and date of
17 birth.

18 The bill defines "consular identification document" as an
19 official identification card issued by a foreign government,
20 through the foreign government's consular offices, for the
21 purpose of identifying a foreign national who is living
22 outside the foreign jurisdiction. The definition specifies
23 security attributes that a consular identification document
24 must have and content the document must contain. The document
25 must include an English translation of the data fields. The
26 definition also requires that a copy of the standard document
27 issued by the consular office or foreign government be filed
28 with the department of transportation along with certification
29 of procedures used to ascertain the identity of a person
30 to whom a consular identification document is issued and
31 procedures used to satisfy the specified security requirements
32 of the document.

33 Under the bill, the department of transportation may
34 issue a temporary visitor driver's license to a person who is
35 otherwise qualified for a driver's license but does not present

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1 a social security number or document of authorized presence
2 issued by the United States citizenship and immigration
3 services. The department may accept an unexpired passport from
4 the applicant's country of citizenship or a valid unexpired
5 consular identification document as proof of identification
6 and date of birth. The bill specifies that a person with a
7 temporary visitor driver's license is subject to all of the
8 Code provisions and administrative rules applicable to a person
9 with any other type of driver's license, including provisions
10 relating to drivers under 18 years of age, examination
11 requirements, and financial liability coverage requirements.
12 For purposes of Code chapter 321 relating to the regulation
13 of motor vehicles and motor vehicle operators, a temporary
14 visitor driver's license constitutes proof of identification
15 to the same extent as any other driver's license. However,
16 the license shall not be used to determine voting eligibility
17 or eligibility for any license issued or benefit or service
18 provided by this state or a political subdivision of this
19 state. The design of the temporary visitor driver's license
20 shall be the same as another driver's license of the same
21 class, except that the department may make minimal changes as
22 necessary to comply with requirements of the federal REAL ID
23 Act of 2005 relating to driver's licenses that may not be used
24 for federal purposes according to that Act. The bill provides
25 that a temporary visitor driver's license shall be valid for
26 two years and may be renewed. The department of transportation
27 is prohibited from distinguishing between temporary visitor
28 driver's license status and any other licensure status in any
29 disclosure pertaining to a licensee. The department may adopt
30 rules relating to the issuance of temporary visitor driver's
31 licenses and instruction permits, including providing for
32 appropriate license fees.



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House File 306 - Introduced

HOUSE FILE 306
BY MASCHER

A BILL FOR

1 An Act relating to tobacco products, including taxation of such
2 products.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 453A.1, subsections 1, 22, 27, and 28,
2 Code 2015, are amended to read as follows:

3 1. "*Alternative nicotine product*" means a product, not
4 consisting of or containing tobacco, that provides for the
5 ingestion into the body of nicotine, whether by chewing,
6 absorbing, dissolving, inhaling, snorting, or sniffing, or
7 by any other means. "*Alternative nicotine product*" does not
8 include cigarettes, ~~tobacco products~~, or vapor products, or a
9 product that is ~~regulated~~ approved as a drug or device by the
10 United States food and drug administration under chapter V of
11 the federal Food, Drug, and Cosmetic Act.

12 22. "*Retailer*" shall mean and include every person in
13 this state who shall sell, distribute, or offer for sale for
14 consumption or possess for the purpose of sale for consumption,
15 cigarettes, ~~alternative nicotine products, or vapor products~~
16 irrespective of quantity or amount or the number of sales.

17 27. "*Tobacco products*" means any product, or component,
18 part, or accessory of such product, containing, made in
19 whole or in part from, ordinarily derived from, or designed
20 to deliver tobacco, a tobacco substitute, or nicotine, and
21 intended for human consumption whether by chewing, absorbing,
22 dissolving, inhaling, snorting, sniffing, ingesting, or
23 vaporizing or by any other means. "*Tobacco products*" includes
24 but is not limited to alternative nicotine products and vapor
25 products; cigars; little cigars as defined in section 453A.42,
26 subsection 5; cheroots; stogies; periques; granulated, plug
27 cut, crimp cut, ready rubbed, and other smoking tobacco;
28 snuff, snuff flour; cavendish; plug and twist tobacco;
29 fine-cut and other chewing tobaccos; shorts; or refuse scraps,
30 clippings, cuttings, and sweepings of tobacco; and other kinds
31 and forms of tobacco, prepared in such manner as to be suitable
32 for chewing or smoking in a pipe or otherwise, or both for
33 chewing and smoking; but does not mean include cigarettes.

34 28. "*Vapor product*" means any noncombustible product,
35 which may or may not contain nicotine, that employs a heating

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1 element, power source, electronic circuit, or other electronic,
2 chemical, or mechanical means, regardless of shape or size,
3 that can be used to produce vapor from a solution or other
4 substance. "Vapor product" includes an electronic cigarette,
5 electronic cigar, electronic cigarillo, electronic pipe, or
6 similar product or device, and any cartridge or other container
7 of a solution or other substance, which may or may not contain
8 nicotine, that is intended to be used with or in an electronic
9 cigarette, electronic cigar, electronic cigarillo, electronic
10 pipe, or similar product or device. "Vapor product" does not
11 include a product ~~regulated~~ approved as a drug or device by the
12 United States food and drug administration under chapter V of
13 the federal Food, Drug, and Cosmetic Act.

14 Sec. 2. Section 453A.2, subsections 1, 2, 3, and 8, Code
15 2015, are amended to read as follows:

16 1. A person shall not sell, give, or otherwise supply any
17 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
18 ~~products,~~ or cigarettes to any person under eighteen years of
19 age.

20 2. A person under eighteen years of age shall not smoke,
21 use, possess, purchase, or attempt to purchase any tobacco,
22 tobacco products, ~~alternative nicotine products, vapor~~
23 ~~products,~~ or cigarettes.

24 3. Possession of tobacco, tobacco products, ~~alternative~~
25 ~~nicotine products, vapor products,~~ or cigarettes by an
26 individual under eighteen years of age does not constitute
27 a violation under this section if the individual under
28 eighteen years of age possesses the tobacco, tobacco products,
29 ~~alternative nicotine products, vapor products,~~ or cigarettes
30 as part of the individual's employment and the individual
31 is employed by a person who holds a valid permit under this
32 chapter or who lawfully offers for sale or sells cigarettes or
33 tobacco products.

34 8. a. A person shall not be guilty of a violation of this
35 section if conduct that would otherwise constitute a violation

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1 is performed to assess compliance with tobacco, tobacco
2 products, ~~alternative nicotine products, vapor products,~~ or
3 cigarette laws if any of the following applies:

4 (1) The compliance effort is conducted by or under the
5 supervision of law enforcement officers.

6 (2) The compliance effort is conducted with the advance
7 knowledge of law enforcement officers and reasonable measures
8 are adopted by those conducting the effort to ensure that
9 use of tobacco, tobacco products, ~~alternative nicotine~~
10 ~~products, vapor products,~~ or cigarettes by individuals under
11 eighteen years of age does not result from participation by
12 any individual under eighteen years of age in the compliance
13 effort.

14 *b.* For the purposes of this subsection, "*law enforcement*
15 *officer*" means a peace officer as defined in section 801.4 and
16 includes persons designated under subsection 4 to enforce this
17 section.

18 Sec. 3. Section 453A.4, subsection 1, Code 2015, is amended
19 to read as follows:

20 1. If a person holding a permit under this chapter or an
21 employee of such a permittee has a reasonable belief based on
22 factual evidence that a driver's license as defined in section
23 321.1, subsection 20A, or nonoperator's identification card
24 issued pursuant to section 321.190 offered by a person who
25 wishes to purchase tobacco, tobacco products, ~~alternative~~
26 ~~nicotine products, vapor products,~~ or cigarettes is altered
27 or falsified or belongs to another person, the permittee or
28 employee may retain the driver's license or nonoperator's
29 identification card. Within twenty-four hours, the card shall
30 be delivered to the appropriate city or county law enforcement
31 agency of the jurisdiction in which the permittee's premises
32 are located, and the permittee shall file a written report of
33 the circumstances under which the card was retained. The local
34 law enforcement agency may investigate whether a violation
35 of section 321.216, 321.216A, or 321.216C has occurred. If

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1 an investigation is not initiated or probable cause is not
2 established by the local law enforcement agency, the driver's
3 license or nonoperator's identification card shall be delivered
4 to the person to whom it was issued. The local law enforcement
5 agency may forward the card with the report to the state
6 department of transportation for investigation, in which
7 case, the state department of transportation may investigate
8 whether a violation of section 321.216, 321.216A, or 321.216C
9 has occurred. The state department of transportation shall
10 return the card to the person to whom it was issued if an
11 investigation is not initiated or probable cause is not
12 established.

13 Sec. 4. Section 453A.5, subsection 1, Code 2015, is amended
14 to read as follows:

15 1. The alcoholic beverages division of the department of
16 commerce shall develop a tobacco compliance employee training
17 program not to exceed two hours in length for employees and
18 prospective employees of retailers, as defined in sections
19 453A.1 and 453A.42, to inform the employees about state and
20 federal laws and regulations regarding the sale of tobacco,
21 tobacco products, ~~alternative nicotine products, vapor~~
22 ~~products,~~ and cigarettes to persons under eighteen years of
23 age and compliance with and the importance of laws regarding
24 the sale of tobacco, tobacco products, ~~alternative nicotine~~
25 ~~products, vapor products,~~ and cigarettes to persons under
26 eighteen years of age.

27 Sec. 5. Section 453A.13, subsections 1, 6, 9, and 10, Code
28 2015, are amended to read as follows:

29 1. *Permits required.* Every distributor, wholesaler,
30 cigarette vendor, and retailer, now engaged or who desires to
31 become engaged in the sale or use of cigarettes, upon which a
32 tax is required to be paid, ~~and every retailer now engaged or~~
33 ~~who desires to become engaged in selling, offering for sale, or~~
34 ~~distributing alternative nicotine products or vapor products~~
35 shall obtain a state or retail permit as a distributor,

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1 wholesaler, cigarette vendor, or retailer, as the case may be.

2 6. *No sales without permit.* A distributor, wholesaler,
3 cigarette vendor, or retailer shall not sell any cigarettes,
4 ~~alternative nicotine products, or vapor products~~ until such
5 application has been filed and the fee prescribed paid for a
6 permit and until such permit is obtained and only while such
7 permit is unrevoked and unexpired.

8 9. *Permit — form and contents.* Each permit issued shall
9 describe clearly the place of business for which it is issued,
10 shall be nonassignable, consecutively numbered, designating the
11 kind of permit, and shall authorize the sale of cigarettes,
12 ~~alternative nicotine products, or vapor products~~ in this
13 state subject to the limitations and restrictions herein
14 contained. The retail permits shall be upon forms furnished by
15 the department or on forms made available or approved by the
16 department.

17 10. *Permit displayed.* The permit shall, at all times,
18 be publicly displayed by the distributor, wholesaler, or
19 retailer at the place of business so as to be easily seen by
20 the public and the persons authorized to inspect the place
21 of business. The proprietor or keeper of any building or
22 place where cigarettes, ~~alternative nicotine products, vapor~~
23 ~~products,~~ or tobacco products are kept for sale, or with intent
24 to sell, shall upon request of any agent of the department or
25 any peace officer exhibit the permit. A refusal or failure to
26 exhibit the permit is prima facie evidence that the cigarettes,
27 ~~alternative nicotine products,~~ vapor products, tobacco, or
28 tobacco products are kept for sale or with intent to sell in
29 violation of this division.

30 Sec. 6. Section 453A.36, subsection 6, Code 2015, is amended
31 to read as follows:

32 6. Any sales of tobacco, tobacco products, ~~alternative~~
33 ~~nicotine products, vapor products,~~ or cigarettes made through a
34 cigarette vending machine are subject to rules and penalties
35 relative to retail sales of tobacco, tobacco products,

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1 ~~alternative nicotine products, vapor products,~~ and cigarettes
2 provided for in this chapter. Cigarettes shall not be sold
3 through any cigarette vending machine unless the cigarettes
4 have been properly stamped or metered as provided by this
5 division, and in case of violation of this provision, the
6 permit of the dealer authorizing retail sales of cigarettes
7 shall be revoked. Payment of the permit fee as provided
8 in section 453A.13 authorizes a cigarette vendor to sell
9 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
10 ~~products,~~ and cigarettes through vending machines. However,
11 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
12 ~~products,~~ and cigarettes shall not be sold through a vending
13 machine unless the vending machine is located in a place where
14 the retailer ensures that no person younger than eighteen
15 years of age is present or permitted to enter at any time.
16 Tobacco, tobacco products, ~~alternative nicotine products,~~
17 ~~vapor products,~~ and cigarettes shall not be sold through
18 any cigarette vending machine if such products are placed
19 together with any nontobacco product, other than matches, in
20 the cigarette vending machine. This section does not require
21 a retail permit holder to buy a cigarette vendor's permit if
22 the retail permit holder is in fact the owner of the cigarette
23 vending machines and the machines are operated in the location
24 described in the retail permit.

25 Sec. 7. Section 453A.36, subsection 7, paragraph a, Code
26 2015, is amended to read as follows:

27 a. It shall be unlawful for a person other than a retailer
28 as defined in section 453A.1 or 453A.42 who holds a valid
29 retail permit, as applicable, to sell tobacco, tobacco
30 products, ~~alternative nicotine products, vapor products,~~ or
31 cigarettes at retail.

32 Sec. 8. Section 453A.36A, subsection 1, Code 2015, is
33 amended to read as follows:

34 1. Except as provided in section 453A.36, subsection 6,
35 a retailer shall not sell or offer for sale tobacco, tobacco

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1 products, ~~alternative nicotine products, vapor products,~~ or
2 cigarettes through the use of a self-service display.

3 Sec. 9. Section 453A.39, Code 2015, is amended to read as
4 follows:

5 453A.39 Tobacco, tobacco products, ~~alternative nicotine~~
6 ~~products, vapor products,~~ and cigarette samples — restrictions
7 — administration.

8 1. A manufacturer, distributor, wholesaler, retailer, or
9 distributing agent, or agent thereof, shall not give away
10 cigarettes or tobacco products at any time in connection with
11 the manufacturer's, distributor's, wholesaler's, retailer's, or
12 distributing agent's business or for promotion of the business
13 or product, except as provided in subsection 2.

14 2. a. All cigarette samples shall be shipped only to a
15 distributor that has a permit to stamp cigarettes or little
16 cigars with Iowa tax. All cigarette samples must have a
17 cigarette stamp. The manufacturer shipping samples under this
18 section shall send an affidavit to the director stating the
19 shipment information, including the date shipped, quantity, and
20 to whom the samples were shipped. The distributor receiving
21 the shipment shall send an affidavit to the director stating
22 the shipment information, including the date shipped, quantity,
23 and from whom the samples were shipped. These affidavits shall
24 be duly notarized and submitted to the director at the time of
25 shipment and receipt of the samples. The distributor shall
26 pay the tax on samples by separate remittance along with the
27 affidavit.

28 b. A manufacturer, distributor, wholesaler, retailer, or
29 distributing agent or agent thereof shall not give away any
30 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
31 ~~products,~~ or cigarettes to any person under eighteen years of
32 age, or within five hundred feet of any playground, school,
33 high school, or other facility when such facility is being
34 used primarily by persons under age eighteen for recreational,
35 educational, or other purposes.

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1 *c.* Proof of age shall be required if a reasonable person
2 could conclude on the basis of outward appearance that a
3 prospective recipient of a sample may be under eighteen years
4 of age.

5 Sec. 10. Section 453A.42, subsections 10 and 15, Code 2015,
6 are amended to read as follows:

7 10. "*Retailer*" means any person engaged in the business
8 of selling tobacco, or tobacco products, ~~alternative nicotine~~
9 ~~products, or vapor products~~ to ultimate consumers.

10 15. "*Tobacco products*" means any product, or component,
11 part, or accessory of such product, containing, made in
12 whole or in part from, ordinarily derived from, or designed
13 to deliver tobacco, a tobacco substitute, or nicotine, and
14 intended for human consumption whether by chewing, absorbing,
15 dissolving, inhaling, snorting, sniffing, ingesting, or
16 vaporizing or by any other means. "*Tobacco products*" includes
17 but is not limited to alternative nicotine products and
18 vapor products; cigars; little cigars as defined herein;
19 cheroots; stogies; periques; granulated, plug cut, crimp
20 cut, ready rubbed, and other smoking tobacco; snuff; snuff
21 flour; cavendish; plug and twist tobacco; fine-cut and other
22 chewing tobaccos; shorts; refuse scraps, clippings, cuttings,
23 and sweepings of tobacco; and other kinds and forms of
24 tobacco, ~~prepared in such manner as to be suitable for chewing~~
25 ~~or smoking in a pipe or otherwise, or both for chewing and~~
26 ~~smoking~~; but shall not include cigarettes as defined in section
27 453A.1, subsection 4.

28 Sec. 11. Section 453A.47A, subsections 1, 2, 4, and 5, Code
29 2015, are amended to read as follows:

30 1. *Permits required.* A person shall not engage in the
31 business of a retailer of tobacco, or tobacco products,
32 ~~alternative nicotine products, or vapor products~~ at any
33 place of business without first having received a permit as a
34 retailer.

35 2. *No sales without permit.* A retailer shall not sell any

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1 tobacco, or tobacco products, ~~alternative nicotine products, or~~
2 ~~vapor products~~ until an application has been filed and the fee
3 prescribed paid for a permit and until such permit is obtained
4 and only while such permit is not suspended, unrevoked, or
5 unexpired.

6 4. *Retailer — multiple permits not required — effect of*
7 *suspension.* A retailer, as defined in section 453A.1, who holds
8 a permit under division I of this chapter is not required to
9 also obtain a retail permit under this division. However,
10 if a retailer, as defined in section 453A.1, only holds a
11 permit under division I of this chapter and that permit is
12 suspended, revoked, or expired, the retailer shall not sell any
13 tobacco, or tobacco products, ~~alternative nicotine products, or~~
14 ~~vapor products~~ during the time which the permit is suspended,
15 revoked, or expired.

16 5. *Separate permit.* A separate retail permit shall be
17 required of a distributor or subjobber if the distributor or
18 subjobber sells tobacco, or tobacco products, ~~alternative~~
19 ~~nicotine products, or vapor products~~ at retail.

20 Sec. 12. Section 453A.47A, subsection 10, paragraph b, Code
21 2015, is amended to read as follows:

22 b. Every retailer shall, when requested by the department,
23 make additional reports as the department deems necessary and
24 proper and shall at the request of the department furnish full
25 and complete information pertaining to any transaction of the
26 retailer involving the purchase or sale or use of tobacco,
27 or tobacco products, ~~alternative nicotine products, or vapor~~
28 ~~products.~~

29 Sec. 13. CODE EDITOR DIRECTIVE. The Code editor shall do
30 all of the following:

31 1. Modify the title of chapter 453A to read "Cigarette and
32 Tobacco Taxes and Regulation".

33 2. Modify the subheading of division I of chapter 453A to
34 read "Cigarettes".

35 3. Modify the subheading of division II of chapter 453A to

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1 read "Cigars, Tobacco, and Tobacco Products".

2 4. Modify the heading of section 805.8C, subsection 3, to
3 read "Violations related to smoking, tobacco products, and
4 cigarettes".

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill redefines alternative nicotine and vapor products
9 as tobacco products, thereby making applicable to alternative
10 nicotine products and vapor products all provisions applicable
11 to tobacco products including taxation of such products. The
12 bill makes conforming changes throughout the Code to redefine
13 these products.



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House File 307 - Introduced

HOUSE FILE 307
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 13)

A BILL FOR

1 An Act modifying the school start date limitation and
2 eliminating the related waiver.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1542HV (3) 86
kh/rj



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H.F. 307

1 Section 1. Section 257.17, Code 2015, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. ~~However, this section does not~~
9 ~~apply to a school district that has received approval from the~~
10 ~~director of the department of education under section 279.10,~~
11 ~~subsection 4, to commence classes for regularly established~~
12 ~~elementary and secondary schools in advance of the starting~~
13 ~~date established in section 279.10, subsection 1.~~

14 Sec. 2. Section 279.10, subsection 1, Code 2015, is amended
15 to read as follows:

16 1. The school year for each school district and accredited
17 nonpublic school shall begin on July 1 and ~~each regularly~~
18 ~~established elementary and secondary school~~ the school calendar
19 ~~shall begin no sooner than a day during the calendar week in~~
20 ~~which the first day of September falls but~~ August 23 and no
21 ~~later than the first Monday in December. However, if the first~~
22 ~~day of September falls on a Sunday, school may begin on a day~~
23 ~~during the calendar week which immediately precedes the first~~
24 ~~day of September.~~ The school calendar shall include not less
25 than one hundred eighty days, except as provided in subsection
26 3, or one thousand eighty hours of instruction during the
27 calendar year. The board of directors of a school district and
28 the authorities in charge of an accredited nonpublic school
29 shall determine the school start date for the school calendar
30 in accordance with this subsection and shall set the number
31 of days or hours of required attendance for the school year
32 as provided in section 299.1, subsection 2, but the board of
33 directors of a school district shall hold a public hearing
34 on any proposed school calendar prior to adopting the school
35 calendar. If the board of directors of a district or the

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1 authorities in charge of an accredited nonpublic school extends
2 the school calendar because inclement weather caused the school
3 district or accredited nonpublic school to temporarily close
4 during the regular school calendar, the school district or
5 accredited nonpublic school may excuse a graduating senior
6 who has met district or school requirements for graduation
7 from attendance during the extended school calendar. A school
8 corporation may begin employment of personnel for in-service
9 training and development purposes before the date to begin
10 elementary and secondary school.

11 Sec. 3. Section 279.10, subsection 4, Code 2015, is amended
12 by striking the subsection.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill modifies language prohibiting an early school
17 start date for a school calendar by providing that school
18 districts and accredited nonpublic schools cannot begin their
19 school calendar any sooner than August 23. The bill eliminates
20 a provision that authorizes the department of education
21 to grant waivers to allow school districts and accredited
22 nonpublic schools to commence classes prior to the earliest
23 start date, and makes a corresponding change in a provision
24 that establishes an aid reduction penalty for early school
25 starts by school districts.

26 Current law prohibits school districts and accredited
27 nonpublic schools from beginning the school calendar prior to
28 a day during the calendar week in which September 1 falls or,
29 if September 1 falls on a Sunday, prior to a day during the
30 calendar week which immediately precedes September 1.



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House File 308 - Introduced

HOUSE FILE 308
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 116)

A BILL FOR

1 An Act relating to private employer alcohol testing policies.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1646HV (1) 86
je/nh

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1 Section 1. Section 730.5, subsection 9, paragraph e, Code
2 2015, is amended to read as follows:

3 e. If the written policy provides for alcohol testing, the
4 employer shall establish in the written policy a standard for
5 alcohol concentration which shall be deemed to violate the
6 policy. The standard for alcohol concentration shall not be
7 less than ~~.04~~ .02, expressed in terms of grams of alcohol per
8 two hundred ten liters of breath, or its equivalent.

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 Current law provides that a private employer may require
13 alcohol testing of employees if the employer maintains a
14 written policy for such testing that is provided to every
15 employee subject to testing, and is available for review by
16 employees and prospective employees. The policy must contain
17 a standard for alcohol concentration which shall be deemed
18 to violate the policy. The standard shall not be less than
19 .04, expressed in terms of grams of alcohol per 210 liters of
20 breath, or its equivalent.

21 This bill lowers the minimum standard permitted to not less
22 than .02, expressed in terms of grams of alcohol per 210 liters
23 of breath, or its equivalent.



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House Resolution 10 - Introduced

HOUSE RESOLUTION NO. 10

BY NUNN, MEYER, and OLDSO

1 A Resolution congratulating the Drake Law School.

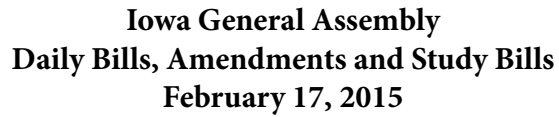
2 WHEREAS, the Drake Law School is one of the oldest
3 law schools west of the Mississippi River and traces
4 its beginnings to 1865 when Iowa Supreme Court Justices
5 George G. Wright and Chester C. Cole established a law
6 school in Des Moines; and

7 WHEREAS, throughout its history, Drake University
8 has been a leader in legal education, helping form
9 the Association of American Law Schools as a charter
10 member in 1900 and being accredited by the American
11 Bar Association with the first schools eligible in
12 1923; and

13 WHEREAS, a Drake legal education has enabled
14 thousands of lawyers to serve their communities and
15 provide legal guidance in a wide range of forums
16 benefitting Iowans and clients in Iowa and throughout
17 the world; and

18 WHEREAS, Iowa's executive, judicial, and legislative
19 branches are well served by Drake Law School graduates,
20 including alumni sitting as the Governor, the Chief
21 Justice of the Iowa Supreme Court and Justices on
22 the Court, Judges on the Iowa Court of Appeals, and
23 district judges, and as members in both the Iowa House
24 of Representatives and the Iowa Senate; and

25 WHEREAS, Drake Law Centers provide outreach and
26 education well beyond the campus, including the
27 Agricultural Law Center, Constitutional Law Center,
28 Intellectual Property Law Center, Legislative Practice



1 Center, and Center for Children's Rights; and
2 WHEREAS, the Drake Law School and the Legislative
3 Practice Center have a unique partnership with the
4 Iowa General Assembly and those legislators who have
5 mentored students through internships over the past 15
6 years and have contributed to the policy experience
7 and knowledge of hundreds of lawyers who now work
8 in Iowa and other states representing nonprofit
9 organizations, and work in state government, including
10 in the legislative branch, and in other public policy
11 arenas; NOW THEREFORE,
12 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
13 the House of Representatives congratulates the Drake
14 Law School on the 150th anniversary of the Supreme
15 Court Justices founding the law school in Des Moines
16 in 1865.



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House Study Bill 143 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to privileged communications between a
2 physician or health facility and a patient following an
3 adverse health care incident.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1640YC (2) 86
jh/rj



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1 Section 1. NEW SECTION. 135P.1 Definitions.

2 For the purposes of this chapter, unless the context
3 otherwise requires:

4 1. "*Adverse health care incident*" means an objective,
5 definable, and unanticipated consequence of a medical treatment
6 or procedure which differs from the intended outcome and
7 results in the death or serious physical injury of a patient.

8 2. "*Health facility*" means an institutional health facility
9 as defined in section 135.61, hospice licensed under chapter
10 135J, home health agency as defined in section 144D.1, clinic,
11 or community health center, and includes any corporation,
12 professional corporation, partnership, limited liability
13 company, limited liability partnership, or other entity
14 comprised of such health facilities.

15 3. "*Open discussion*" means all communications that are
16 made under section 135P.3, and includes all memoranda, work
17 products, documents, and other materials that are prepared
18 for or submitted in the course of or in connection with
19 communications under section 135P.3.

20 4. "*Patient*" means a person who receives medical care
21 from a physician, or if the person is a minor, deceased, or
22 incapacitated, the person's legal representative.

23 5. "*Physician*" means a person licensed under chapter 148.

24 Sec. 2. NEW SECTION. 135P.2 Confidentiality of open
25 discussions.

26 1. Open discussion communications and offers of
27 compensation made under section 135P.3:

28 a. Do not constitute an admission of liability.

29 b. Are privileged, confidential, and shall not be disclosed.

30 c. Are not admissible as evidence in any subsequent
31 judicial, administrative, or arbitration proceeding and are
32 not subject to discovery, subpoena, or other means of legal
33 compulsion for release and shall not be disclosed by any party
34 in any subsequent judicial, administrative, or arbitration
35 proceeding.

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1 2. Communications, memoranda, work products, documents, and
2 other materials, otherwise subject to discovery, that were not
3 prepared specifically for use in a discussion under section
4 135P.3, are not confidential.

5 3. The limitation on disclosure imposed by this section
6 includes disclosure during any discovery conducted as part of
7 a subsequent adjudicatory proceeding, and a court or other
8 adjudicatory body shall not compel any person who engages in
9 an open discussion under this chapter to disclose confidential
10 communications or agreements made under section 135P.3.

11 4. This section does not affect any other law, regulation,
12 or requirement with respect to confidentiality.

13 Sec. 3. NEW SECTION. 135P.3 **Engaging in an open discussion.**

14 1. If an adverse health care incident occurs in a health
15 facility, the physician, or the physician jointly with the
16 health facility, may provide the patient with notice of the
17 desire of the physician, or of the physician jointly with the
18 health facility, to enter into an open discussion under this
19 chapter. If the physician or health facility provides such
20 notice, such notice must be sent within one hundred eighty days
21 of the adverse health care incident and include all of the
22 following:

23 a. Notice of the desire of the physician, or of the
24 physician jointly with the health facility, to proceed with an
25 open discussion under this chapter.

26 b. Notice of the patient's right to receive a copy or
27 authorize the release of the patient's medical records related
28 to the adverse health care incident to any third party.

29 c. Notice of the patient's right to seek legal counsel.

30 d. Notice that if the patient chooses to engage in an open
31 discussion with the physician or health facility, that all
32 communications made in the course of such a discussion under
33 this chapter, including communications regarding the initiation
34 of an open discussion, are privileged and confidential, are
35 not subject to discovery, subpoena, or other means of legal

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1 compulsion for release, and are not admissible in evidence in a
2 judicial, administrative, or arbitration proceeding.

3 2. If the patient agrees to engage in an open discussion,
4 the patient, physician, or health facility engaged in an open
5 discussion under this chapter may include other persons in
6 the open discussion. All additional parties shall also be
7 advised in writing prior to the discussion that discussions
8 are privileged and confidential, are not subject to discovery,
9 subpoena, or other means of legal compulsion for release, and
10 are not admissible in evidence in a judicial, administrative,
11 or arbitration proceeding.

12 3. The physician or health facility that agrees to engage in
13 an open discussion may do all of the following:

14 a. Investigate how the adverse health care incident occurred
15 and gather information regarding the medical care or treatment
16 provided.

17 b. Disclose the results of the investigation to the patient.

18 c. Openly communicate to the patient the steps the physician
19 or health facility will take to prevent future occurrences of
20 the adverse health care incident.

21 d. Determine either of the following:

22 (1) That no offer of compensation for the adverse health
23 care incident is warranted and orally communicates that
24 determination to the patient.

25 (2) That an offer of compensation for the adverse health
26 care incident is warranted and extends such an offer in writing
27 to the patient.

28 4. If a physician or health facility makes an offer
29 of compensation under subsection 3 and the patient is not
30 represented by legal counsel, the physician or health facility
31 shall advise the patient of the patient's right to seek legal
32 counsel regarding the offer of compensation.

33 5. Except for offers of compensation under subsection 3,
34 discussions between the physician or health facility and the
35 patient about the compensation offered under subsection 3 shall

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1 remain oral.

2 Sec. 4. NEW SECTION. 135P.4 Payment and resolution.

3 1. A payment made to a patient pursuant to section 135P.3 is
4 not a payment resulting from any of the following:

5 a. A written claim or demand for payment.

6 b. A claim for purposes of section 272C.9.

7 c. A claim for purposes of section 505.27.

8 2. A physician or health facility may require the patient,
9 as a condition of an offer of compensation under section
10 135P.3, to execute all documents and obtain any necessary court
11 approval to resolve an adverse health care incident. The
12 parties shall negotiate the form of such documents or obtain
13 court approval as necessary.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill allows a physician, or a physician jointly with a
18 health facility, to engage in an open, confidential discussion
19 with a patient related to an adverse health care incident.

20 The bill defines "adverse health care incident" as an
21 objective, definable, and unanticipated consequence of a
22 medical treatment or procedure which differs from the intended
23 outcome and results in the death or serious physical injury of
24 a patient. The bill defines "physician" as a person licensed
25 under Code chapter 148 (medicine and surgery and osteopathic
26 medicine and surgery). The bill defines "patient" as a
27 person who receives medical care from a physician, or if the
28 person is a minor, deceased, or incapacitated, the person's
29 legal representative. The bill defines "health facility" as
30 an institutional health facility as defined in Code section
31 135.61, a hospice licensed under Code chapter 135J, home health
32 agency as defined in Code section 144D.1, clinic, or community
33 health center, and includes any corporation, professional
34 corporation, partnership, limited liability company, limited
35 liability partnership, or other entity comprised of such

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1 facilities.

2 If an adverse health care incident occurs, the bill allows a
3 physician, or a physician jointly with a health facility, to
4 offer to engage in an open discussion with the patient. The
5 notice of an offer to engage in an open discussion must be
6 sent to the patient within 180 days after the adverse health
7 care incident. If the patient agrees to proceed with an open
8 discussion, the physician or health facility may investigate
9 the adverse health care incident, disclose the results to the
10 patient, and discuss steps the physician or health facility
11 will take to prevent similar adverse health care incidents.
12 The physician or health facility may also communicate to the
13 patient that either the physician or health facility has
14 determined that an offer of compensation is not warranted
15 or that an offer of compensation is warranted. An offer of
16 compensation may be conditioned upon the patient executing
17 a release of future liability as to the adverse health care
18 incident. All communications made under the Code chapter are
19 privileged and confidential, are not subject to discovery,
20 subpoena, or other means of legal compulsion for release, and
21 are not admissible in evidence in a judicial, administrative,
22 or arbitration proceeding.

23 The bill provides that a payment made under the Code chapter
24 is not a written claim or demand for payment, a claim that must
25 be submitted to a licensing board under Code section 272C.9, or
26 a medical malpractice insurance claim that must be reported to
27 the commissioner of insurance under Code section 505.27.



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House Study Bill 144 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the sale, lease, or rental of water
2 treatment systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 2228YC (2) 86
jh/rj



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1 Section 1. Section 714.16, subsection 2, paragraph h, Code
2 2015, is amended to read as follows:

3 h. It is an unlawful practice for a person to sell,
4 lease, rent, or advertise the sale, lease, or rental of a
5 water treatment system in this state, for which claims or
6 representations of removing health-related contaminants are
7 made, unless the water treatment system:

8 (1) ~~Has been performance tested by a third-party testing~~
9 ~~agency that has been authorized by the Iowa department of~~
10 ~~public health. Alternatively, in all claims or representations~~
11 ~~of removing health-related contaminants certified by a~~
12 ~~certification body accredited by the American national~~
13 ~~standards institute. If all water treatment system claims or~~
14 ~~representations of removing health-related contaminants are~~
15 ~~certified by a certification body accredited by the American~~
16 ~~national standards institute, the manufacturer shall not~~
17 ~~be required to register a water treatment system with the~~
18 ~~Iowa department of public health. In lieu of third-party~~
19 ~~performance testing of the manufacturer's water treatment~~
20 ~~system certification by a certification body accredited by the~~
21 ~~American national standards institute, the manufacturer may~~
22 ~~rely upon the manufacturer's own test data after approval of~~
23 ~~the data by an accepted third-party evaluator as provided in~~
24 ~~this subparagraph. The Iowa department of public health shall~~
25 ~~review the qualifications of a third-party evaluator proposed~~
26 ~~by the manufacturer. The department may accept or reject a~~
27 ~~proposed third-party evaluator based upon the required review.~~
28 ~~If a third-party evaluator, accepted by the Iowa department~~
29 ~~of public health, finds that the manufacturer's test data is~~
30 ~~reliable, adequate, and fairly presented, the manufacturer~~
31 ~~may rely upon that data to satisfy the requirements of this~~
32 ~~subparagraph after filing a copy of the test data and the~~
33 ~~report of the third-party evaluator with the Iowa department of~~
34 ~~public health. The testing agency shall use, or the evaluator~~
35 ~~shall review for the use of, approved methods of performance~~

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1 testing determined to be appropriate by the state hygienic
2 laboratory.

3 (2) Has met the performance testing requirements specified
4 in the testing protocol.

5 (3) Bears a conspicuous and legible label stating,
6 "IMPORTANT NOTICE — Read the Manufacturer's Performance Data
7 Sheet" and is accompanied by a manufacturer's performance data
8 sheet.

9 ~~The manufacturer's performance data sheet shall be given~~
10 ~~to the buyer and shall be signed and dated by the buyer and~~
11 ~~the seller prior to the consummation of the sale of the water~~
12 ~~treatment system.~~ The manufacturer's performance data sheet
13 shall contain information including, but not limited to:

14 (a) The name, address, and telephone number of the seller.

15 (b) The name, brand, or trademark under which the unit is
16 sold, and its model number.

17 (c) Performance and test data including, but not limited
18 to, the list of contaminants certified to be reduced by
19 the water treatment system; the test influent concentration
20 level of each contaminant or surrogate for that contaminant;
21 the percentage reduction or effluent concentration of each
22 contaminant or surrogate; where applicable, the maximum
23 contaminant level (MCL) or a treatment technique requirement or
24 an action level established in lieu of a maximum contaminant
25 level (MCL) specified in the national primary drinking water
26 regulations; where applicable, the approximate capacity in
27 gallons; where applicable, the period of time during which
28 the unit is effective in reducing contaminants based upon the
29 contaminant or surrogate influent concentrations used for the
30 performance tests; where applicable, the flow rate, pressure,
31 and operational temperature of the water during the performance
32 tests.

33 (d) Installation instructions.

34 (e) The recommended operational procedures and requirements
35 necessary for the proper operation of the unit including, but

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1 not limited to, electrical requirements; maximum and minimum
2 pressure; flow rate; temperature limitations; maintenance
3 requirements; and where applicable, replacement frequencies.

4 (f) The seller's limited warranty.

5 ~~(4) Is accompanied by the consumer information pamphlet~~
6 ~~compiled by the Iowa department of public health.~~

7 ~~The consumer information pamphlet provided to the buyer of a~~
8 ~~water treatment system shall be compiled by the Iowa department~~
9 ~~of public health, reviewed annually, and updated as necessary.~~
10 ~~The consumer information pamphlet shall be distributed to~~
11 ~~persons selling water treatment systems and the costs of the~~
12 ~~consumer information pamphlet shall be borne by persons selling~~
13 ~~water treatment systems. The Iowa department of public health~~
14 ~~shall adopt rules pursuant to chapter 17A and charge all fees~~
15 ~~necessary to administer this section.~~

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the sale, lease, or rental of water
20 treatment systems.

21 Under current law, it is an unlawful practice for a person to
22 sell, lease, rent, or advertise the sale, lease, or rental of
23 a water treatment system for which claims or representations
24 of removing health-related contaminants are made, unless
25 either the water treatment system is performance tested by a
26 third-party testing agency authorized by the department of
27 public health or the manufacturer tested the system and the
28 manufacturer's data is accepted by a third-party evaluator
29 which was approved by the department of public health.

30 Under Code section 714.16, the attorney general may
31 investigate a person the attorney general believes is engaged
32 in an unlawful practice and seek and obtain injunctive relief
33 against a person who is engaged in an unlawful practice. Code
34 section 714.16 also permits a court to impose a civil penalty
35 against a person who committed an unlawful practice.

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1 The bill provides that it is not an unlawful practice if the
2 seller, lessor, or renter of a water treatment system have the
3 claims and representations related to removal of health-related
4 contaminants certified by a certification body accredited by
5 the American national standards institute. If a certification
6 body so certifies the water treatment system, the manufacturer
7 is not required to register a water treatment system with the
8 department of public health.

9 The bill provides that a third-party testing agency is not
10 required to be authorized by the department of public health,
11 and that a third-party evaluator is not required to be approved
12 by the department of public health.

13 Under current law, it is an unlawful practice for a person to
14 sell, lease, rent, or advertise the sale, lease, or rental of a
15 water treatment system unless the manufacturer's performance
16 data sheet of the water treatment system and a consumer
17 information pamphlet compiled by the department of public
18 health are provided to the consumer. The bill eliminates these
19 requirements.



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House Study Bill 145 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act relating to the regulation of health care facilities,
2 elder group homes, assisted living programs, and adult day
3 services programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135C.10, subsection 9, Code 2015, is
2 amended to read as follows:

3 9. In the case of an application ~~by an existing licensee~~
4 for a new or newly acquired facility, continuing or repeated
5 failure of the licensee to operate any previously licensed
6 facility or facilities in compliance with the provisions of
7 this chapter, the rules adopted pursuant to this chapter, or
8 equivalent provisions that the facility is subject to in this
9 state or any other state.

10 Sec. 2. Section 135C.19, Code 2015, is amended to read as
11 follows:

12 ~~135C.19 Public disclosure~~ Disclosure of inspection findings
13 ~~— posting of citations.~~

14 1. Following an inspection of a health care facility by
15 the department pursuant to this chapter, the department's
16 final findings with respect to compliance by the facility
17 with requirements for licensing shall be made available to
18 the public in a readily available form and place. Other
19 information relating to a health care facility obtained by the
20 department which does not constitute the department's findings
21 from an inspection of the facility shall not be made available
22 to the public or to the health care facility except in formal
23 administrative proceedings pursuant to chapter 17A involving
24 the citation of a facility for a violation under section
25 135C.40, or the denial, suspension, or revocation of a license
26 under this chapter. The name of a person who files a complaint
27 with the department shall be confidential.

28 2. a. A citation for a class I or class II violation
29 which is issued to a health care facility and which has become
30 final, or a copy of the citation, shall be prominently posted
31 as prescribed in rules, until the violation is corrected to
32 the department's satisfaction. The citation or copy shall
33 be posted in a place in plain view of the residents of the
34 facility cited, persons visiting the residents, and persons
35 inquiring about placement in the facility.

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1 *b.* A copy of each citation required to be posted by this
2 subsection shall be sent by the department to the department
3 of human services, to the designated protection and advocacy
4 agency if the facility has one or more residents with
5 developmental disabilities or mental illness, and to the office
6 of long-term care ombudsman if the facility is a nursing
7 facility or residential care facility.

8 3. If the facility cited subsequently advises the
9 department of human services that the violation has been
10 corrected to the satisfaction of the department of inspections
11 and appeals, the department of human services shall maintain
12 this advisory in the same file with the copy of the citation.
13 The department of human services shall not disseminate to
14 the public any information regarding citations issued by the
15 department of inspections and appeals, but shall forward or
16 refer inquiries to the department of inspections and appeals.

17 Sec. 3. Section 135C.36, subsection 4, Code 2015, is amended
18 to read as follows:

19 4. Any state penalty, including a fine or citation, issued
20 ~~as a result of the federal survey and certification process~~
21 following a state licensure and federal certification survey or
22 investigation shall be dismissed if the corresponding federal
23 ~~deficiency or citation~~ is dismissed or removed. Any state
24 penalty, including a fine or citation, shall be retained or
25 reinstated if the federal deficiency is retained or reinstated.

26 Sec. 4. Section 135C.41, subsection 2, Code 2015, is amended
27 to read as follows:

28 2. If the facility desires to contest the citation, notify
29 the director that the facility desires to contest the citation
30 and ~~request~~ do either of the following:

31 *a.* Request an informal conference with an independent
32 reviewer pursuant to section 135C.42. Upon the conclusion of
33 an informal conference, in the case of an affirmed or modified
34 citation, the facility may request a contested case hearing
35 in writing within five days after receipt of the written

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1 explanation of the independent reviewer.

2 b. Request a contested case hearing in the manner provided
3 by chapter 17A for contested cases. The formal hearing shall
4 be conducted in accordance with chapter 17A and rules adopted
5 by the department.

6 Sec. 5. Section 135C.42, subsection 1, Code 2015, is amended
7 to read as follows:

8 1. The director shall provide an independent reviewer
9 to hold an informal conference with the facility within ten
10 working days after receipt of a request made under section
11 135C.41, subsection 2, paragraph "a". At the conclusion of the
12 conference the independent reviewer may affirm or may modify or
13 dismiss the citation. The independent reviewer shall state in
14 writing the specific reasons for the affirmation, modification,
15 or dismissal and immediately transmit copies of the statement
16 to the director, and to the facility. If the facility does not
17 desire to further contest an affirmed or modified citation, it
18 shall comply with section 135C.41, subsection 1, within five
19 working days after ~~the informal conference, or after receipt~~
20 of the written explanation of the independent reviewer, ~~as the~~
21 ~~case may be, comply with section 135C.41, subsection 1.~~

22 Sec. 6. Section 135C.42, Code 2015, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4. The following provisions shall apply to
25 an informal conference:

26 a. Legal counsel shall not be permitted.

27 b. The health care facility shall not have access to
28 department documents other than the department's final findings
29 issued to the health care facility.

30 c. Testimony from witnesses employed outside of the health
31 care facility, the entity that owns the facility, or the
32 department shall not be permitted.

33 Sec. 7. Section 135C.43, Code 2015, is amended to read as
34 follows:

35 **135C.43** ~~Formal contest — judicial~~ Judicial review.

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1 1. ~~A facility that desires to further contest an affirmed~~
2 ~~or modified citation for a class I, class II, or class III~~
3 ~~violation may do so in the manner provided by chapter 17A~~
4 ~~for contested cases. Notice of intent to formally contest a~~
5 ~~citation shall be given the department in writing within five~~
6 ~~days after the informal conference or after receipt of the~~
7 ~~written explanation of the independent reviewer provided to~~
8 ~~hold the informal conference, whichever is applicable, in the~~
9 ~~case of an affirmed or modified citation. A facility which has~~
10 exhausted all adequate administrative remedies and is aggrieved
11 by the final action of the department may petition for judicial
12 review in the manner provided by chapter 17A.

13 2. Hearings on petitions for judicial review brought under
14 this section shall be set for trial at the earliest possible
15 date and shall take precedence on the court calendar over
16 all other cases except matters to which equal or superior
17 precedence is specifically granted by law. The times for
18 pleadings and for hearings in such actions shall be set by the
19 judge of the court with the object of securing a decision in
20 the matter at the earliest possible time.

21 Sec. 8. Section 135C.43A, Code 2015, is amended to read as
22 follows:

23 **135C.43A Reduction of penalty amount.**

24 If a facility has been assessed a penalty, does not request a
25 formal hearing pursuant to section ~~135C.43~~ 135C.41, subsection
26 2, paragraph "b", or withdraws its request for a formal hearing
27 within thirty days of the date that the penalty was assessed,
28 and the penalty is paid within thirty days of the receipt of
29 notice or service, the amount of the penalty shall be reduced
30 by thirty-five percent. The citation which includes the civil
31 penalty shall include a statement to this effect.

32 Sec. 9. Section 231B.9, Code 2015, is amended to read as
33 follows:

34 **231B.9 ~~Public disclosure~~ Disclosure of findings.**

35 Upon completion of a monitoring evaluation or complaint

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1 investigation of an elder group home by the department pursuant
2 to this chapter, the department's final findings with respect
3 to compliance by the elder group home with requirements for
4 certification shall be made available to the public in a
5 readily available form and place. Other information relating
6 to an elder group home that is obtained by the department which
7 does not constitute the department's final findings from a
8 monitoring evaluation or complaint investigation of the elder
9 group home shall not be made available to the public or to the
10 elder group home except in formal administrative proceedings
11 pursuant to chapter 17A involving the assessment of a civil
12 penalty pursuant to section 231B.14 or the denial, suspension,
13 or revocation of a certificate under this chapter.

14 Sec. 10. Section 231B.9A, Code 2015, is amended to read as
15 follows:

16 **231B.9A Informal conference — formal contest — judicial**
17 **review.**

18 1. Within twenty business days after issuance of the final
19 findings, the elder group home shall notify the director if the
20 home desires to contest the findings and ~~request~~ do either of
21 the following:

22 a. Request an informal conference with an independent
23 reviewer pursuant to subsection 2. Upon the conclusion of an
24 informal conference, if the elder group home desires to further
25 contest an affirmed or modified regulatory insufficiency,
26 it may do so by giving notice of intent to formally contest
27 the regulatory insufficiency, in writing, to the department
28 within five days after receipt of the written decision of the
29 independent reviewer.

30 b. Request a contested case hearing in the manner provided
31 by chapter 17A for contested cases. The formal hearing shall
32 be conducted in accordance with chapter 17A and rules adopted
33 by the department.

34 2. a. The department shall provide an independent reviewer
35 to hold an informal conference with an elder group home within

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1 ten working days after receiving a request from the home
2 pursuant to subsection 1, paragraph "a". At the conclusion of
3 the informal conference, the independent reviewer may affirm,
4 modify, or dismiss a contested regulatory insufficiency. The
5 independent reviewer shall state in writing the specific
6 reasons for the affirmation, modification, or dismissal and
7 immediately transmit copies of the statement to the department
8 and to the home.

9 3. b. An independent reviewer shall be licensed as an
10 attorney in the state of Iowa and shall not be employed or have
11 been employed by the department in the past eight years or have
12 appeared in front of the department on behalf of an elder group
13 home in the past eight years. Preference shall be given to an
14 attorney with background knowledge, experience, or training
15 in long-term care. The department may issue a request for
16 proposals to enter into a contract for the purpose of providing
17 one or more independent reviewers for informal conferences.

18 c. The following provisions shall apply to an informal
19 conference:

20 (1) Legal counsel shall not be permitted.

21 (2) The elder group home shall not have access to department
22 documents other than the department's final findings issued to
23 the elder group home.

24 (3) Testimony from witnesses employed outside of the elder
25 group home, the corporation that owns the elder group home, or
26 the department shall not be permitted.

27 ~~4. An elder group home that desires to further contest an~~
28 ~~affirmed or modified regulatory insufficiency may do so in the~~
29 ~~manner provided by chapter 17A for contested cases. The home~~
30 ~~shall give notice of intent to formally contest a regulatory~~
31 ~~insufficiency, in writing, to the department within five days~~
32 ~~after receipt of the written decision of the independent~~
33 ~~reviewer. The formal hearing shall be conducted in accordance~~
34 ~~with chapter 17A and rules adopted by the department.~~

35 5. 3. An elder group home that has exhausted all adequate

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1 administrative remedies and is aggrieved by the final action of
2 the department may petition for judicial review in the manner
3 provided by chapter 17A.

4 Sec. 11. Section 231B.10, subsection 1, paragraphs f and i,
5 Code 2015, are amended to read as follows:

6 f. Founded dependent adult abuse as defined in section
7 ~~235B.2~~ 235E.1.

8 i. In the case of an application ~~by an existing certificate~~
9 ~~holder~~ for a new or newly acquired elder group home, continuing
10 or repeated failure of the certificate holder to operate any
11 previously certified elder group home or homes in compliance
12 with the provisions of this chapter, the rules adopted pursuant
13 to this chapter, or equivalent provisions that the elder group
14 home is subject to in this state or any other state.

15 Sec. 12. Section 231C.9, Code 2015, is amended to read as
16 follows:

17 **231C.9 ~~Public disclosure~~ Disclosure of findings.**

18 Upon completion of a monitoring evaluation or complaint
19 investigation of an assisted living program by the department
20 pursuant to this chapter, the department's final findings
21 with respect to compliance by the assisted living program
22 with requirements for certification shall be made available
23 to the public in a readily available form and place. Other
24 information relating to an assisted living program that is
25 obtained by the department which does not constitute the
26 department's final findings from a monitoring evaluation or
27 complaint investigation of the assisted living program shall
28 not be made available to the public or to the assisted living
29 program except in formal administrative proceedings pursuant
30 to chapter 17A involving the assessment of a civil penalty
31 pursuant to section 231C.14 or the denial, suspension, or
32 revocation of a certificate under this chapter.

33 Sec. 13. Section 231C.9A, Code 2015, is amended to read as
34 follows:

35 **231C.9A Informal conference — formal contest — judicial**

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1 review.

2 1. Within twenty business days after issuance of the final
3 findings, the assisted living program shall notify the director
4 if the program desires to contest the findings and ~~request~~ do
5 either of the following:

6 a. Request an informal conference with an independent
7 reviewer pursuant to subsection 2. Upon the conclusion
8 of an informal conference, if the assisted living program
9 desires to further contest an affirmed or modified regulatory
10 insufficiency, it may do so by giving notice of intent to
11 formally contest the regulatory insufficiency, in writing, to
12 the department within five days after receipt of the written
13 decision of the independent reviewer.

14 b. Request a contested case hearing in the manner provided
15 by chapter 17A for contested cases. The formal hearing shall
16 be conducted in accordance with chapter 17A and rules adopted
17 by the department.

18 2. a. The department shall provide an independent reviewer
19 to hold an informal conference with an assisted living
20 program within ten working days after receiving a request
21 from the program pursuant to subsection 1, paragraph "a". At
22 the conclusion of the informal conference, the independent
23 reviewer may affirm, modify, or dismiss a contested regulatory
24 insufficiency. The independent reviewer shall state in writing
25 the specific reasons for the affirmation, modification, or
26 dismissal and immediately transmit copies of the statement to
27 the department and to the program.

28 ~~3.~~ b. An independent reviewer shall be licensed as an
29 attorney in the state of Iowa and shall not be employed or have
30 been employed by the department in the past eight years or have
31 appeared in front of the department on behalf of an assisted
32 living program in the past eight years. Preference shall be
33 given to an attorney with background knowledge, experience,
34 or training in long-term care. The department may issue a
35 request for proposals to enter into a contract for the purpose

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1 of providing one or more independent reviewers for informal
2 conferences.

3 c. The following provisions shall apply to an informal
4 conference:

5 (1) Legal counsel shall not be permitted.

6 (2) The assisted living program shall not have access to
7 department documents other than the department's final findings
8 issued to the assisted living program.

9 (3) Testimony from witnesses employed outside of the
10 assisted living program, the corporation that owns the assisted
11 living program, or the department shall not be permitted.

12 ~~4. An assisted living program that desires to further~~
13 ~~contest an affirmed or modified regulatory insufficiency may do~~
14 ~~so in the manner provided by chapter 17A for contested cases.~~
15 ~~The program shall give notice of intent to formally contest~~
16 ~~a regulatory insufficiency, in writing, to the department~~
17 ~~within five days after receipt of the written decision of the~~
18 ~~independent reviewer. The formal hearing shall be conducted~~
19 ~~in accordance with chapter 17A and rules adopted by the~~
20 ~~department.~~

21 ~~5. 3.~~ An assisted living program that has exhausted all
22 adequate administrative remedies and is aggrieved by the final
23 action of the department may petition for judicial review in
24 the manner provided by chapter 17A.

25 Sec. 14. Section 231C.10, subsection 1, paragraph i, Code
26 2015, is amended to read as follows:

27 ~~i.~~ In the case of an application ~~by an existing certificate~~
28 ~~holder~~ for a new or newly acquired assisted living program,
29 continuing or repeated failure of the certificate holder to
30 operate any previously certified assisted living program or
31 programs in compliance with the provisions of this chapter,
32 the rules adopted pursuant to this chapter, or equivalent
33 provisions that the assisted living program is subject to in
34 this state or any other state.

35 Sec. 15. Section 231D.5, subsection 1, paragraphs g and k,

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1 Code 2015, are amended to read as follows:

2 *g.* Founded dependent adult abuse as defined in section
3 ~~235B.2~~ 235E.1.

4 *k.* In the case of an application ~~by an existing certificate~~
5 ~~holder~~ for a new or newly acquired adult day services program,
6 continuing or repeated failure of the certificate holder to
7 operate any previously certified adult day services program or
8 programs in compliance with the provisions of this chapter,
9 the rules adopted pursuant to this chapter, or equivalent
10 provisions that the adult day services program is subject to in
11 this state or any other state.

12 Sec. 16. Section 231D.10, Code 2015, is amended to read as
13 follows:

14 **231D.10 ~~Public disclosure~~ Disclosure of findings.**

15 Upon completion of a monitoring evaluation or complaint
16 investigation of an adult day services program by the
17 department pursuant to this chapter, the department's final
18 findings with respect to compliance by the adult day services
19 program with requirements for certification shall be made
20 available to the public in a readily available form and place.
21 Other information relating to an adult day services program
22 that is obtained by the department which does not constitute
23 the department's final findings from a monitoring evaluation
24 or complaint investigation of the adult day services program
25 shall not be made available to the public or to the adult day
26 services program except in formal administrative proceedings
27 pursuant to chapter 17A involving the assessment of a civil
28 penalty pursuant to section 231D.11 or the denial, suspension,
29 or revocation of a certificate under this chapter.

30 Sec. 17. Section 231D.10A, Code 2015, is amended to read as
31 follows:

32 **231D.10A Informal conference — formal contest — judicial**
33 **review.**

34 1. Within twenty business days after issuance of the final
35 findings, the adult day services program shall notify the

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1 director if the program desires to contest the findings and
2 ~~request~~ do either of the following:

3 a. Request an informal conference with an independent
4 reviewer pursuant to subsection 2. Upon the conclusion of
5 an informal conference, if the adult day services program
6 desires to further contest an affirmed or modified regulatory
7 insufficiency, it may do so by giving notice of intent to
8 formally contest the regulatory insufficiency, in writing, to
9 the department within five days after receipt of the written
10 decision of the independent reviewer.

11 b. Request a contested case hearing in the manner provided
12 by chapter 17A for contested cases. The formal hearing shall
13 be conducted in accordance with chapter 17A and rules adopted
14 by the department.

15 2. a. The department shall provide an independent reviewer
16 to hold an informal conference with an adult day services
17 program within ten working days after receiving a request
18 from the program pursuant to subsection 1, paragraph "a". At
19 the conclusion of the informal conference, the independent
20 reviewer may affirm, modify, or dismiss a contested regulatory
21 insufficiency. The independent reviewer shall state in writing
22 the specific reasons for the affirmation, modification, or
23 dismissal and immediately transmit copies of the statement to
24 the department and to the program.

25 3. b. An independent reviewer shall be licensed as an
26 attorney in the state of Iowa and shall not be employed or have
27 been employed by the department in the past eight years or have
28 appeared in front of the department on behalf of an adult day
29 services program in the past eight years. Preference shall be
30 given to an attorney with background knowledge, experience,
31 or training in long-term care. The department may issue a
32 request for proposals to enter into a contract for the purpose
33 of providing one or more independent reviewers for informal
34 conferences.

35 c. The following provisions shall apply to an informal

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1 conference:

2 (1) Legal counsel shall not be permitted.

3 (2) The adult day services program shall not have access to
4 department documents other than the department's final findings
5 issued to the adult day services program.

6 (3) Testimony from witnesses employed outside of the adult
7 day services program, the corporation that owns the adult day
8 services program, or the department shall not be permitted.

9 ~~4. An adult day services program that desires to further~~
10 ~~contest an affirmed or modified regulatory insufficiency may do~~
11 ~~so in the manner provided by chapter 17A for contested cases.~~
12 ~~The program shall give notice of intent to formally contest~~
13 ~~a regulatory insufficiency, in writing, to the department~~
14 ~~within five days after receipt of the written decision of the~~
15 ~~independent reviewer. The formal hearing shall be conducted~~
16 ~~in accordance with chapter 17A and rules adopted by the~~
17 ~~department.~~

18 ~~5. 3.~~ An adult day services program that has exhausted all
19 adequate administrative remedies and is aggrieved by the final
20 action of the department may petition for judicial review in
21 the manner provided by chapter 17A.

22 Sec. 18. Section 235E.2, subsection 6, paragraph d, Code
23 2015, is amended to read as follows:

24 d. In every case involving dependent adult abuse which is
25 substantiated by the department and which results in a judicial
26 proceeding on behalf of the dependent adult, legal counsel
27 shall be appointed by the court to represent the dependent
28 adult in the proceedings. The court may also appoint a
29 guardian ad litem to represent the dependent adult if necessary
30 to protect the dependent adult's best interests. The same
31 attorney ~~may~~ shall not be appointed to serve both as legal
32 counsel and as guardian ad litem. Before legal counsel or a
33 guardian ad litem is appointed pursuant to this paragraph, the
34 court shall require the dependent adult and any person legally
35 responsible for the support of the dependent adult to complete

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1 under oath a detailed financial statement. If, on the basis of
2 that financial statement, the court deems that the dependent
3 adult or the legally responsible person is able to bear all
4 or a portion of the cost of the legal counsel or guardian ad
5 litem, the court shall so order. In cases where the dependent
6 adult or the legally responsible person is unable to bear the
7 cost of the legal counsel or guardian ad litem, the expense
8 shall be paid by the county.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the regulation of health care
13 facilities, elder group homes, assisted living programs, and
14 adult day services programs by the department of inspections
15 and appeals.

16 LICENSE AND CERTIFICATE HOLDER APPLICATIONS. The bill
17 provides that applications for a license or certificate for a
18 new or newly acquired health care facility, elder group home,
19 assisted living program, or adult day services program may be
20 denied to any applicant for continuing or repeated failure
21 to operate in compliance with applicable law and not just to
22 existing licensees or certificate holders.

23 DISCLOSURE OF FINDINGS. The bill provides that information
24 relating to a health care facility, an elder group home, an
25 assisted living program, or an adult day services program
26 obtained by the department which does not constitute
27 the department's findings from an inspection, monitoring
28 evaluation, or complaint investigation of the facility, home,
29 or program shall not be made available to the facility, home,
30 or program except pursuant to formal administrative proceedings
31 involving the citation of a facility or the denial, suspension,
32 or revocation of a facility, home, or program license or
33 certificate.

34 HEALTH CARE FACILITY VIOLATIONS. The bill provides that
35 any state penalty, including a fine or citation, issued as a

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1 result of a state licensure and federal certification survey or
2 investigation shall be dismissed if the corresponding federal
3 deficiency is dismissed or removed. The bill specifies that
4 any state penalty, including a fine or citation, shall be
5 retained or reinstated if a federal deficiency is retained or
6 reinstated.

7 CONTESTING REGULATORY INSUFFICIENCIES. The bill provides
8 that if a health care facility, elder group home, assisted
9 living program, or adult day services program desires to
10 contest a regulatory insufficiency, the health care facility,
11 elder group home, assisted living program, or adult day
12 services program may either request an informal conference with
13 an independent reviewer or request a contested case hearing in
14 the manner provided by Code chapter 17A for contested cases.
15 Upon the conclusion of an informal conference, if the facility,
16 home, or program desires to further contest an affirmed or
17 modified regulatory insufficiency, it may do so in the manner
18 provided in Code chapter 17A. The bill provides that if the
19 facility, home, or program does not desire to further contest
20 an affirmed or modified citation after an informal conference,
21 the facility, home, or program shall remit the appropriate
22 penalties or correct the violation within five working days
23 after receipt of the written explanation of the independent
24 reviewer. A facility, home, or program that has exhausted all
25 adequate administrative remedies may petition for judicial
26 review pursuant to Code chapter 17A.

27 INFORMAL CONFERENCES. The bill specifies informal
28 conference guidelines for health care facilities, elder
29 group homes, assisted living programs, and adult day services
30 programs contesting regulatory insufficiencies. Legal counsel
31 is not allowed; the facility, home, or program shall not have
32 access to department documents other than the department's
33 final findings issued to the facility, home, or program; and
34 testimony from certain witnesses is not allowed.

35 DEPENDENT ADULT ABUSE IN FACILITIES AND PROGRAMS. The bill

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1 specifies that an attorney cannot be both legal counsel and a
2 guardian ad litem representing a dependent adult in a dependent
3 adult abuse case.

4 The bill amends a Code reference relating to dependent
5 adult abuse that occurs in elder group homes and adult day
6 services programs to refer to the definition of dependent adult
7 abuse that occurs in facilities and programs rather than the
8 definition of elder abuse that occurs outside facilities and
9 programs.



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House Study Bill 146 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

- 1 An Act related to absentee ballot deadlines.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 53.17, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 b. The sealed return envelope may be mailed to the
4 commissioner by the registered voter or by the voter's
5 designee. If mailed by the voter's designee, the envelope
6 must be mailed within seventy-two hours of retrieving it from
7 the voter or within time to be ~~postmarked not later than the~~
8 ~~day before the election~~ received in the commissioner's office
9 before the polls close on election day, whichever is earlier.

10 Sec. 2. Section 53.17, subsections 2 and 3, Code 2015, are
11 amended to read as follows:

12 2. In order for the ballot to be counted, the return
13 envelope must be received in the commissioner's office before
14 the polls close on election day ~~or be clearly postmarked by~~
15 ~~an officially authorized postal service not later than the~~
16 ~~day before the election and received by the commissioner not~~
17 ~~later than noon on the Monday following the election, except~~
18 for ballots received from a member of the armed forces of the
19 United States pursuant to subchapter II of this chapter, which
20 must be received by noon on the day before the supervisors
21 canvass the votes.

22 3. ~~If the law authorizing the election specifies that~~
23 ~~the supervisors canvass the votes earlier than the Monday~~
24 ~~following the election, absentee ballots returned through the~~
25 ~~mail must be received not later than the time established for~~
26 ~~the canvass by the board of supervisors for that election.~~
27 The commissioner shall contact the post office serving the
28 commissioner's office ~~at the latest practicable hour~~ before
29 ~~the canvass by the board of supervisors~~ 10:00 a.m. on the day
30 before the board of supervisors canvass the votes for that
31 election, and shall arrange for absentee ballots received in
32 that post office but not yet delivered to the commissioner's
33 office to be brought to the commissioner's office before ~~the~~
34 ~~canvass for that election by the board of supervisors~~ noon on
35 that day.

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1 Sec. 3. Section 53.17, subsection 4, paragraph f, Code 2015,
2 is amended to read as follows:

3 f. A statement that the completed absentee ballot will
4 be delivered to the commissioner's office within seventy-two
5 hours of retrieving it from the voter or before the closing of
6 the polls on election day, whichever is earlier, or that the
7 completed absentee ballot will be mailed to the commissioner
8 within seventy-two hours of retrieving it from the voter or
9 within time to be ~~postmarked not later than the day before the~~
10 election received in the commissioner's office before the polls
11 close on election day, whichever is earlier.

EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to absentee ballot deadlines. Under
16 current law, an absentee ballot received by a county
17 commissioner of elections is valid if it is received by the
18 commissioner before the polls close on election day or if it is
19 clearly postmarked by an officially authorized postal service
20 not later than the day before the election and is received by
21 the commissioner not later than noon on the Monday following
22 the election. Under the bill, for an absentee ballot to be
23 valid it must be received by the commissioner before the polls
24 close on election day, unless the absentee ballot is completed
25 by a military or overseas voter. The bill provides that for
26 a military or overseas voter's ballot to be valid, it must be
27 received by noon on the day before the supervisors canvass the
28 votes.

29 The bill makes additional corresponding changes.



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House Study Bill 147 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act requiring pharmacies and pharmacists to report
2 immunizations or vaccinations to the statewide immunization
3 registry.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 135.45 Reporting immunizations to
2 registry.

3 1. A pharmacy that administers vaccines pursuant to section
4 155A.44, subsection 4, shall directly report any immunization
5 or vaccine administration to the statewide immunization
6 registry within thirty days following the administration of the
7 immunization or vaccine.

8 2. The department shall adopt rules to implement the
9 requirements of this section.

10 Sec. 2. Section 155A.44, subsection 3, Code 2015, is amended
11 to read as follows:

12 3. Prior to the administration of a vaccination or
13 immunization authorized by subsection 4, ~~paragraph "b",~~
14 ~~subparagraphs (2) through (4),~~ pursuant to the required
15 protocols, a licensed pharmacist shall consult and review the
16 statewide immunization registry or health information network.
17 The board shall adopt rules requiring the reporting of the
18 administration of vaccines and immunizations authorized by
19 subsection 4, ~~paragraph "b", subparagraphs (2) through (4),~~ to
20 a patient's primary health care provider, primary physician,
21 and a the statewide immunization registry ~~or health information~~
22 ~~network~~ as provided in section 135.45.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill requires a pharmacy administering vaccines or
27 immunizations, including certain vaccines and immunizations
28 of patients six through 17 years of age, to report the
29 administration of that immunization or vaccine directly to the
30 statewide immunization registry within 30 days following the
31 administration of the vaccine. The bill also makes changes in
32 the pharmacy Code chapter to reflect the mandatory reporting
33 requirement.

34 The bill directs the department of public health to adopt
35 rules to implement the reporting requirement.

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House Study Bill 148 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act concerning social and charitable gambling and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 SOCIAL AND CHARITABLE GAMBLING

3 Section 1. Section 99B.1, subsection 1, Code 2015, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 1. "*Amusement concession*" means a game of skill or
7 game of chance with an instant win possibility where, if
8 the participant completes a task, the participant wins a
9 prize. "*Amusement concession*" includes but is not limited to
10 carnival-style games that are conducted by a person for profit.
11 "*Amusement concession*" does not include casino-style games or
12 amusement devices required to be registered pursuant to section
13 99B.53.

14 Sec. 2. Section 99B.1, subsections 2, 3, 5, 6, 15, 16, 17,
15 20, 21, and 26, Code 2015, are amended to read as follows:

16 2. "*Amusement device*" means an electrical or mechanical
17 device possessed and used in accordance with ~~section 99B.10~~
18 this chapter. When possessed and used in accordance with
19 ~~that section~~ this chapter, an amusement device is not a game of
20 skill or game of chance, and is not a gambling device.

21 3. "*Applicant*" means an individual or an organization
22 applying for a license under this chapter.

23 5. "*Bingo*" means a game, whether known as bingo or any other
24 name, in which each participant uses one or more cards each
25 of which is marked off into spaces arranged in horizontal and
26 vertical rows of spaces, with each space being designated by
27 number, letter, symbol, or picture, or combination of numbers,
28 ~~and~~ letters, ~~no~~ symbols, or pictures. ~~No two cards being shall~~
29 ~~be identical, with.~~ In the game of bingo, players covering
30 shall cover spaces on the card or cards as the operator of the
31 game announces to the players the number, letter, symbol, or
32 picture, or combination of numbers, and letters, symbols, or
33 pictures, appearing on an object selected by chance, either
34 manually or mechanically, from a receptacle in which have
35 been placed objects bearing numbers, letters, symbols, or

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1 pictures, or combinations of numbers, and letters, symbols,
2 or pictures corresponding to the system used for designating
3 the spaces, ~~with the.~~ The winner of each game ~~being~~ is the
4 player or players first properly covering a predetermined and
5 announced pattern of spaces on a card ~~being used by the player~~
6 ~~or players.~~ Each determination of a winner by the method
7 described in ~~the preceding sentence~~ this subsection is a single
8 bingo game at any bingo occasion.

9 6. "Bingo occasion" means a single gathering or session
10 at which ~~successive a series of~~ bingo games ~~are~~ is played. A
11 bingo occasion ~~commences~~ begins when the operator of ~~the a~~
12 bingo game begins to announce the selects an object with a
13 number, letter, symbol, or picture, or combination of numbers,
14 ~~or letters, symbols, or pictures~~ through which the winner of a
15 ~~single the first~~ bingo game in a series of bingo games will be
16 determined. A bingo occasion ends when at least one hour has
17 elapsed since a bingo game is played or when an announcement by
18 the operator of the bingo game is made that the bingo occasion
19 is over, whichever first occurs.

20 15. "Game of chance" means a game whereby the result is
21 determined by chance and the player in order to win ~~aligns~~
22 completes activities, such as aligning objects or balls in a
23 prescribed pattern or order or makes certain color patterns
24 appear and. "Game of chance" specifically includes but is not
25 limited to ~~the game defined as bingo. Game of chance~~ "Game of
26 chance" does not include a slot machine or amusement device.

27 16. "Game of skill" means a game whereby the result is
28 determined by the ~~player~~ player's ability to do a task, such as
29 directing or throwing objects to designated areas or targets,
30 or by maneuvering water or an object into a designated area, or
31 by maneuvering a dragline device to pick up particular items,
32 or by shooting a gun or rifle.

33 17. "Gross receipts" means the total revenue received from
34 the sale of rights to participate in a game of skill, game of
35 chance, bingo, or raffle and admission fees or charges.

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1 20. "Merchandise" means goods or services that are bought
2 and sold in the regular course of business. "Merchandise"
3 includes lottery tickets or shares sold or authorized under
4 chapter 99G. The value of the lottery ticket or share is the
5 price of the lottery ticket or share as established by the
6 Iowa lottery authority pursuant to chapter 99G. "Merchandise"
7 includes a gift card if the gift card is not redeemable for
8 cash.

9 21. "Net receipts" means gross receipts less amounts awarded
10 as prizes and less state and local sales tax paid upon the
11 gross receipts. ~~Reasonable expenses, charges, fees, taxes~~
12 ~~other than the state and local sales tax, and deductions~~
13 ~~allowed by the department shall not exceed twenty-five percent~~
14 ~~of net receipts.~~

15 26. "Raffle" means a lottery in which each participant
16 buys ~~a ticket~~ an entry for a chance at a prize with the winner
17 determined by a random method and the winner is not required to
18 be present to win. "Raffle" does not include a slot machine.

19 Sec. 3. Section 99B.1, subsections 4, 10, 12, 13, 18, 19,
20 23, 24, 27, and 28, Code 2015, are amended by striking the
21 subsections.

22 Sec. 4. Section 99B.1, subsection 8, Code 2015, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 8. "Bookmaking" means the determining of odds and receipt
26 and paying off of bets by an individual or publicly or
27 privately owned enterprise not present when the wager or bet
28 was undertaken.

29 Sec. 5. Section 99B.1, Code 2015, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 8A. "Build-up or pyramid" means a raffle
32 or a game in which a prize must be returned in order to play
33 another game or to be eligible for another bigger prize, a game
34 in which a prize must be forfeited if a later game is lost, or a
35 raffle which is multi-step and requires the participant to win

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1 at multiple steps to win the grand prize.

2 NEW SUBSECTION. 8B. "*Calendar raffle*" means a raffle where
3 a single entry is entered in one raffle where winners will be
4 selected over multiple dates.

5 NEW SUBSECTION. 8C. "*Casino-style games*" means any house
6 banking game, including but not limited to casino-style card
7 games such as poker, baccarat, chemin de fer, blackjack, and
8 pai gow, and casino games such as roulette, craps, and keno.
9 "*Casino-style games*" does not include a slot machine.

10 NEW SUBSECTION. 8D. "*Charitable uses*" includes uses
11 benefiting a definite number of persons who are the victims of
12 loss of home or household possessions through explosion, fire,
13 flood, or storm when the loss is uncompensated by insurance,
14 and uses benefiting a definite number of persons suffering from
15 a seriously disabling disease or injury, causing severe loss of
16 income or incurring extraordinary medical expense when the loss
17 is uncompensated by insurance.

18 NEW SUBSECTION. 12A. "*Educational, civic, public,*
19 *charitable, patriotic, or religious uses*" includes uses
20 benefiting a society for the prevention of cruelty to animals
21 or animal rescue league; uses benefiting an indefinite
22 number of persons either by bringing them under the influence
23 of education or religion or relieving them from disease,
24 suffering, or constraint, or by erecting or maintaining
25 public buildings or works, or otherwise lessening the burden
26 of government; and uses benefiting any bona fide nationally
27 chartered fraternal or military veterans' corporation or
28 organization which operates in Iowa a clubroom, post, dining
29 room, or dance hall, but does not include the erection,
30 acquisition, improvement, maintenance, or repair of real,
31 personal, or mixed property unless it is used for one or more
32 of the uses described in this subsection.

33 NEW SUBSECTION. 14A. "*Gambling*" means any activity where a
34 person risks something of value or other consideration for a
35 chance to win a prize.

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1 NEW SUBSECTION. 14B. "*Game night*" means an event at
2 which casino-style games may be conducted, in addition to
3 games of skill and games of chance, within one consecutive
4 twenty-four-hour period.

5 NEW SUBSECTION. 17A. "*Licensed qualified organization*"
6 means a qualified organization that is issued a license under
7 this chapter and that complies with the requirements for a
8 qualified organization issued a license under this chapter.

9 NEW SUBSECTION. 24A. "*Public uses*" specifically includes
10 dedication of net receipts to political parties as defined in
11 section 43.2.

12 Sec. 6. Section 99B.1, subsection 25, Code 2015, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 25. "*Qualified organization*" means an organization that has
16 an active membership of not less than twelve persons, does not
17 have a self-perpetuating governing body and officers, and meets
18 any of the following requirements:

19 a. Is exempt from federal income taxes under section
20 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7),
21 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue
22 Code as defined in section 422.3.

23 b. Is an agency or instrumentality of the United States
24 government, this state, or a political subdivision of this
25 state.

26 c. Is a parent-teacher organization or booster club that
27 is recognized as a fund-raiser and supporter for a school
28 district organized pursuant to chapter 274 or for a school
29 within the school district, in a notarized letter signed by the
30 president of the board of directors, the superintendent of the
31 school district, or a principal of a school within that school
32 district.

33 d. Is a political party, as defined in section 43.2, or a
34 nonparty political organization that has qualified to place
35 a candidate as its nominee for statewide office pursuant to

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1 chapter 44, or to a candidate's committee as defined in section
2 68A.102.

3 Sec. 7. Section 99B.3, Code 2015, is amended to read as
4 follows:

5 **99B.3 Amusement concessions.**

6 ~~1. A game of skill or game of chance is lawful when~~
7 ~~conducted by a person at an amusement concession, but only~~
8 A person may conduct an amusement concession if all of the
9 following ~~are complied with~~ conditions are met:

10 ~~a. The location where the game is conducted by the person~~
11 ~~has been authorized as provided in section 99B.4.~~

12 ~~b.~~ The person conducting the game amusement concession has
13 submitted a license application and a fee of fifty dollars for
14 each game amusement concession, and has been issued a license
15 for the game amusement concession, and prominently displays the
16 license at the playing area of the game amusement concession.
17 A license is valid for a period of one year from the date of
18 issue.

19 ~~c. Gambling other than the licensed game is not conducted or~~
20 ~~engaged in at the amusement concession.~~

21 ~~d. b.~~ The game is rules of the amusement concession are
22 prominently posted and the visible from all playing positions.

23 c. The cost to play ~~the game~~ a single amusement concession
24 does not exceed ~~three~~ five dollars.

25 ~~e. d.~~ A prize is not displayed which cannot be won.

26 ~~f. e.~~ Cash prizes are not awarded ~~and merchandise prizes~~
27 ~~are not repurchased.~~

28 ~~g. f.~~ The game amusement concession is not operated on a
29 build-up or pyramid basis.

30 g. A pet, as defined in section 717E.1, is not awarded.

31 h. The actual retail value of any prize does not exceed
32 fifty one-hundred dollars. If a prize consists of more than
33 one item, unit, or part, the aggregate retail value of all
34 items, units, or parts shall not exceed fifty one hundred
35 dollars.

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1 i. Merchandise prizes are not repurchased from the
2 participants. However, a participant may have the option, at
3 no additional cost to the participant, of trading multiple
4 smaller prizes for a single larger prize.

5 j. Concealed numbers or conversion charts are not used to
6 play the game and the game amusement concession.

7 k. The amusement concession is not designed or adapted with
8 any control device to permit manipulation of the game amusement
9 concession by the operator in order to prevent a player from
10 winning or to predetermine who the winner will be, and the
11 object target, block or.

12 l. The object of the game amusement concession must be
13 attainable and possible to perform under the rules stated from
14 the all playing position of the player positions.

15 j. m. The game amusement concession is conducted in a fair
16 and honest manner.

17 2. ~~It is lawful for an~~ An individual other than a person
18 conducting the ~~game to~~ amusement concession may participate in
19 ~~a game of skill or game of chance conducted at~~ an amusement
20 concession, whether or not the amusement concession is
21 conducted in compliance with ~~subsection 1~~ this section.

22 Sec. 8. Section 99B.5A, subsection 1, paragraph b, Code
23 2015, is amended to read as follows:

24 b. "Community group" means an Iowa nonprofit, tax-exempt
25 organization which is open to the general public and
26 established for the promotion and development of the arts,
27 history, culture, ethnicity, historic preservation, tourism,
28 economic development, festivals, or municipal libraries.
29 "Community group" does not include a school, college,
30 university, political party, labor union, ~~state or federal~~
31 ~~government agency~~, fraternal organization, church, convention
32 or association of churches, or organizations operated primarily
33 for religious purposes, or which are operated, supervised,
34 controlled, or principally supported by a church, convention,
35 or association of churches.

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1 Sec. 9. Section 99B.5A, subsection 2, paragraphs a, c, and
2 e, Code 2015, are amended to read as follows:

3 a. Bingo is conducted by the sponsor of the fair or
4 community festival or a qualified organization licensed under
5 section ~~99B.7~~ 99B.12B that has received permission from the
6 sponsor of the fair or community festival to conduct bingo.

7 c. The number of bingo occasions conducted by a licensee
8 under this section shall be limited to one for each day of the
9 duration of the fair or community festival.

10 e. Except as provided in this section, the provisions of
11 ~~sections 99B.2 and 99B.7~~ this chapter related to bingo shall
12 apply.

13 Sec. 10. Section 99B.5A, subsection 4, Code 2015, is amended
14 to read as follows:

15 4. Bingo occasions held under a license under this section
16 shall not be counted in determining whether a qualified
17 organization has conducted more than ~~fourteen~~ fifteen bingo
18 occasions per month. In addition, bingo occasions held under
19 this license shall not be limited to four consecutive hours.

20 Sec. 11. Section 99B.6, Code 2015, is amended by striking
21 the section and inserting in lieu thereof the following:

22 **99B.6 Social gambling in licensed alcohol establishments.**

23 1. Social gambling is lawful on the premises of an
24 establishment for which a class "A", class "B", class "C",
25 special class "C", or class "D" liquor control license, or
26 class "B" beer permit has been issued pursuant to chapter 123
27 when, subject to the provisions of section 99B.42, all of the
28 following requirements are met:

29 a. The liquor control licensee or beer permittee has
30 submitted an application for a social gambling license and a
31 license fee of one hundred fifty dollars to the department, and
32 a license has been issued.

33 b. The license is prominently displayed on the premises of
34 the establishment.

35 c. The social gambling licensee or any agent or employee

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1 of the licensee does not participate in, sponsor, conduct,
2 promote, or act as cashier or banker for any social gambling,
3 except as a participant while playing on the same basis as
4 every other participant.

5 *d.* A person under the age of twenty-one years shall not
6 participate in the social games. A social gambling licensee
7 or an agent or employee of the licensee who knowingly allows
8 a person under the age of twenty-one to participate in the
9 gambling prohibited by this section or a person who knowingly
10 participates in gambling with a person under the age of
11 twenty-one, is subject to a penalty under section 99B.15.

12 2. A liquor control licensee or beer permittee with a social
13 gambling license issued pursuant to this section may conduct
14 a sports betting pool if all of the requirements of this
15 subsection are met.

16 *a.* The pool shall be publicly displayed and the rules of
17 the pool, including the cost per participant and the amount or
18 amounts that will be won, shall be conspicuously displayed on
19 or near the pool.

20 *b.* A participant shall not wager more than five dollars in
21 the pool.

22 *c.* The maximum winnings awarded to all participants in the
23 pool shall not exceed five hundred dollars.

24 *d.* The provisions of section 99B.42, except section 99B.42,
25 subsection 1, paragraphs "*a*" and "*h*", are applicable to pools
26 conducted under this subsection.

27 *e.* The use of concealed numbers in the pool is permissible.
28 If the pool involves the use of concealed numbers, the numbers
29 shall be selected by a random method and no person shall be
30 aware of the numbers at the time wagers are made in the pool.

31 *f.* All moneys wagered in the pool shall be awarded as
32 winnings to participants.

33 3. An establishment issued a social gambling license under
34 this section that is required to obtain a new liquor license
35 or permit under chapter 123 due to a change in ownership shall

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1 be required to obtain a new social gambling license under this
2 section to conduct social gambling.

3 Sec. 12. Section 99B.7A, Code 2015, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **99B.7A Manufacturers and distributors — bingo equipment and**
6 **supplies — electronic raffle systems — transfer or use.**

7 1. As used in this section, unless the context otherwise
8 requires, "*manufacturer or distributor*" means a person engaged
9 in business in this state who originally produces, or purchases
10 from a business that originally produces, equipment or supplies
11 which are specifically used in the conduct of a bingo occasion
12 or an electronic raffle.

13 2. A person shall not engage in business in this state as a
14 manufacturer or distributor without first obtaining a license
15 from the department.

16 a. Upon receipt of an application and a fee of one thousand
17 dollars for a manufacturer or distributor license, the
18 department may issue an annual license.

19 b. A license may be renewed annually upon submission of an
20 application, payment of the annual license fee, and compliance
21 with this section and the rules adopted pursuant to this
22 section.

23 3. A licensed manufacturer or distributor may sell bingo
24 equipment or supplies or an electronic raffle system directly
25 to a licensed qualified organization.

26 4. A licensed qualified organization under this chapter
27 may dispose of, transfer, or sell excess bingo equipment or
28 supplies on a nonroutine basis to another licensed qualified
29 organization.

30 5. A licensed qualified organization shall not sublease,
31 rent, borrow, or otherwise use another qualified organization's
32 electronic raffle system.

33 Sec. 13. Section 99B.7B, subsection 1, Code 2015, is amended
34 to read as follows:

35 1. As used in this section, unless the context otherwise

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1 requires:

2 a. *"Card game"* ~~means only~~ includes but is not limited to
3 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts, or
4 cribbage.

5 b. *"Qualified organization representing veterans"* means any
6 ~~licensed~~ qualified organization representing which represents
7 veterans, which is a post, branch, or chapter of a national
8 association of veterans of the armed forces of the United
9 States which is a federally chartered corporation, dedicates
10 the net receipts of a game of skill, game of chance, or raffle
11 as provided in section ~~99B.7~~ 99B.14A, and is exempt from
12 federal income taxes under section 501(c)(19) of the Internal
13 Revenue Code as defined in section 422.3, ~~has an active~~
14 ~~membership of not less than twelve persons, and does not have a~~
15 ~~self-perpetuating governing body and officers.~~

16 Sec. 14. Section 99B.7B, subsection 2, Code 2015, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *0a.* The qualified organization representing
19 veterans has been issued a license pursuant to section 99B.12B.
20 The license application shall identify the premises where the
21 card game tournaments are to be conducted and the occupancy
22 limit of the premises, and shall include documentation that
23 the qualified organization representing veterans has conducted
24 regular meetings of the organization at the premises during the
25 previous eight months.

26 Sec. 15. Section 99B.7B, subsection 2, paragraphs a, b, c,
27 d, e, and g, Code 2015, are amended to read as follows:

28 a. The qualified organization ~~conducting the card game~~
29 ~~tournament has been issued a license pursuant to subsection 4~~
30 ~~and representing veterans prominently displays that the license~~
31 in the playing area of the card game tournament.

32 b. The card games to be conducted during a card game
33 tournament, including the rules of each card game and how
34 winners are determined, shall be displayed prominently in the
35 playing area of the card game tournament.

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1 0c. Each card game shall be conducted in a fair and honest
2 manner ~~and.~~

3 00c. Each card game shall not be operated on a build-up or
4 pyramid basis.

5 000c. Every participant in a card game tournament must be
6 given the same chances of winning the tournament and shall not
7 be allowed any second chance entries or multiple entries in the
8 card game tournament.

9 c. Participation in a card game tournament ~~conducted by~~
10 ~~a qualified organization representing veterans~~ shall only be
11 open to members of the qualified organization representing
12 veterans and guests of members of the qualified organization
13 participating in the tournament, subject to the requirements of
14 this section.

15 0d. The total number of members and guests participating in
16 a card game tournament shall not exceed the occupancy limit of
17 the premises where the card game tournament is being conducted.

18 00d. Participants in a card game tournament shall be at
19 least twenty-one years of age.

20 d. (1) If the card game tournament is limited to one guest
21 for each member of the qualified organization representing
22 veterans participating in the tournament, then the requirements
23 of this subparagraph (1) shall apply. The cost to participate
24 in a card game tournament under this subparagraph (1) shall be
25 limited to one hundred dollars and shall be the same for every
26 participant in the card game tournament. Cash or merchandise
27 prizes may be awarded during a card game tournament under this
28 subparagraph (1) and shall not exceed one thousand dollars and
29 no participant shall win more than a total of five hundred
30 dollars.

31 (2) If the card game tournament is not limited to one guest
32 for each member of the qualified organization representing
33 veterans participating in the tournament, then the requirements
34 of this subparagraph (2) shall apply. The cost to participate
35 in a card game tournament under this subparagraph (2) shall be

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1 limited to twenty-five dollars and shall be the same for every
2 participant in the card game tournament. Cash or merchandise
3 prizes may be awarded during a card game tournament under this
4 subparagraph (2) and shall not exceed three hundred dollars
5 and no participant shall win more than a total of two hundred
6 dollars.

7 ~~{3}~~ De. A qualified organization representing veterans
8 shall distribute amounts awarded as prizes on the day they
9 are won and merchandise prizes shall not be repurchased. An
10 organization conducting a card game tournament shall only
11 display prizes in the playing area of the card game tournament
12 that can be won.

13 e. The qualified organization representing veterans shall
14 conduct each card game tournament and any card game conducted
15 during the tournament and shall not contract with or permit
16 another person to conduct the card game tournament or any card
17 game during the tournament. ~~In addition, the~~

18 Of. The card game tournament and any card game conducted
19 during the tournament shall be conducted only on the premises
20 of the qualified organization representing veterans as
21 identified in the license application ~~pursuant to~~ as required
22 by this subsection 4.

23 g. A qualified organization representing veterans licensed
24 under this section shall not hold more than two card game
25 tournaments per month and shall not hold a card game tournament
26 within seven calendar days of another card game tournament
27 conducted by that qualified organization representing veterans.
28 Card game tournaments held ~~under an annual~~ during a game night
29 license conducted pursuant to section 99B.26 shall not count
30 toward the limit of one card game tournament per week for a
31 license holder. A qualified organization representing veterans
32 shall be allowed to hold only one card game tournament during
33 any period of twenty-four consecutive hours, starting from the
34 time the card game tournament begins.

35 Sec. 16. Section 99B.7B, subsection 2, paragraph h, Code

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1 2015, is amended by striking the paragraph.

2 Sec. 17. Section 99B.7B, subsection 3, Code 2015, is amended
3 to read as follows:

4 3. The qualified organization representing veterans
5 licensed to hold card game tournaments under this section
6 shall keep a journal of all dates of events, amount of gross
7 receipts, amount given out as prizes, expenses, amount
8 collected for taxes, and the amount collected as revenue.

9 a. The qualified organization representing veterans shall
10 dedicate and distribute the net receipts from each card
11 game tournament as provided in section ~~99B.7, subsection 3,~~
12 ~~paragraph "b"~~ 99B.14A.

13 b. Each qualified organization representing veterans shall
14 withhold that portion of the gross receipts subject to taxation
15 pursuant to section 423.2, subsection 4, which shall be kept
16 in a separate account and sent to the state along with the
17 organization's annual report required by section ~~99B.2~~ 99B.16A.

18 c. A qualified organization representing veterans licensed
19 to conduct card game tournaments ~~is allowed to~~ may withhold no
20 more than five percent of the gross receipts from each card
21 game tournament for qualified expenses. Qualified expenses
22 include but are not limited to the purchase of supplies and
23 materials used in conducting card games. Any money collected
24 for expenses and not used by the end of the state fiscal year
25 shall be donated for educational, civic, public, charitable,
26 patriotic, or religious uses ~~as described in section 99B.7,~~
27 ~~subsection 3, paragraph "b".~~ The qualified organization
28 representing veterans shall attach a receipt for any donation
29 made to the annual report required to be submitted pursuant to
30 section ~~99B.2~~ 99B.16A.

31 d. Each qualified organization representing veterans
32 licensed under this section shall make recordkeeping and all
33 deposit receipts available as provided in section ~~99B.2,~~
34 ~~subsection 2~~ 99B.16A.

35 Sec. 18. Section 99B.7B, subsection 4, Code 2015, is amended

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1 by striking the subsection.

2 Sec. 19. Section 99B.9, Code 2015, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **99B.9 Social gambling in public places.**

5 Social gambling in a public place is lawful, subject to
6 the provisions of section 99B.42, if all of the following
7 requirements are met:

8 1. The social gambling is conducted at any public place
9 owned, leased, rented, or otherwise occupied by the licensee.

10 2. The person occupying the premises of the public place as
11 an owner or tenant has submitted an application for a license
12 and a fee of one hundred dollars to the department, and a
13 license has been issued.

14 3. The license is prominently displayed on the premises of
15 the public place.

16 4. The licensee or any agent or employee of the licensee
17 does not participate in, sponsor, conduct, promote, or act
18 as cashier or banker for any gambling activities, except as
19 a participant while playing on the same basis as every other
20 participant.

21 Sec. 20. Section 99B.10A, Code 2015, is amended to read as
22 follows:

23 **99B.10A Electrical and or mechanical amusement device**
24 **manufacturers, distributors, and for-profit owners —**
25 **registration.**

26 1. A person engaged in business in this state as a
27 manufacturer, ~~manufacturer's representative~~, distributor, or
28 for-profit owner of electrical and or mechanical amusement
29 devices required to be registered as provided in section
30 ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, shall register with
31 the department. Each person who registers with the department
32 under this section shall pay an annual registration fee in an
33 amount as provided in subsection 2. Registration shall be
34 submitted on application forms designated by the department
35 that shall contain the information required by the department

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1 by rule. The department shall adopt rules establishing the
2 criteria for approval or denial of a registration application
3 and providing for the submission of information to the
4 department by a person registered pursuant to this section if
5 information in the initial registration is changed, including
6 discontinuing the business in this state.

7 2. For purposes of this section, the annual registration fee
8 shall be as follows:

9 a. For a manufacturer ~~or manufacturer's representative~~, two
10 thousand five hundred dollars.

11 b. For a distributor, five thousand dollars.

12 c. For an owner of no more than two electrical and or
13 mechanical amusement devices registered as provided in section
14 ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, at a single location
15 or premises that is not an a qualified organization that meets
16 ~~the requirements of section 99B.7, subsection 1, paragraph "m"~~,
17 two thousand five hundred dollars.

18 Sec. 21. Section 99B.10B, Code 2015, is amended to read as
19 follows:

20 99B.10B Revocation of registration — electrical and or
21 mechanical amusement devices — suspension of liquor license or
22 beer permit.

23 1. a. The department may deny, suspend, or revoke a
24 registration issued pursuant to section ~~99B.10 or~~ 99B.10A or
25 99B.53, if the department finds that an applicant, registrant,
26 or an agent of a registrant violated or permitted a violation
27 of a provision of section ~~99B.10, 99B.10A, or 99B.10C, 99B.52,~~
28 or 99B.53, or a departmental rule adopted pursuant to chapter
29 17A, or for any other cause for which the director of the
30 department would be or would have been justified in refusing to
31 issue a registration, or upon the conviction of a person of a
32 violation of this chapter or a rule adopted under this chapter
33 which occurred on the premises where the registered amusement
34 device is or is to be located. ~~However, the~~

35 b. The denial, suspension, or revocation of a registration

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1 for one amusement device does not require, but may result in,
2 the denial, suspension, or revocation of the registration for
3 a different amusement device held by the same distributor or
4 owner.

5 ~~b.~~ c. ~~However, a~~ A person who commits an offense of failing
6 to include a security mechanism on an amusement device as
7 required pursuant to section 99B.10, ~~subsection 1, paragraph~~
8 ~~m~~ 99B.52, subsection 4, shall be subject to a civil penalty in
9 the amount of two hundred fifty dollars. A person who commits,
10 within two years, a second offense of failing to include a
11 security mechanism on an amusement device shall be subject to
12 the provisions of paragraph "a".

13 2. a. A person who commits an offense of awarding a cash
14 prize of fifty dollars or less in violation of section 99B.10,
15 ~~subsection 1, paragraph "b"~~ 99B.52, subsection 3, pursuant to
16 rules adopted by the department, shall be subject to a civil
17 penalty in the amount of two hundred fifty dollars.

18 b. A person who commits, within two years, a second offense
19 of awarding a cash prize of fifty dollars or less in violation
20 of section 99B.10, ~~subsection 1, paragraph "b"~~ 99B.52,
21 ~~subsection 3,~~ or a person who commits an offense of awarding a
22 cash prize of more than fifty dollars in violation of section
23 99B.10, ~~subsection 1, paragraph "b"~~ 99B.52, subsection 3,
24 pursuant to rules adopted by the department, shall be subject
25 to revocation of the person's registration and the following:

26 (1) If the person whose registration is revoked under this
27 paragraph "b", is a person for which a class "A", class "B",
28 class "C", special class "C", or class "D" liquor control
29 license has been issued pursuant to chapter 123, the person's
30 liquor control license shall be suspended for a period of
31 fourteen days in the same manner as provided in section 123.50,
32 subsection 3, paragraph "a".

33 (2) If the person whose registration is revoked under this
34 paragraph "b", is a person for which only a class "B" or class
35 "C" beer permit has been issued pursuant to chapter 123, the

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1 person's class "B" or class "C" beer permit shall be suspended
2 for a period of fourteen days in the same manner as provided in
3 section 123.50, subsection 3, paragraph "a".

4 (3) If a person owning or employed by an establishment
5 having a class "A", class "B", class "C", special class "C",
6 or class "D" liquor control license issued pursuant to chapter
7 123 commits an offense as provided in this paragraph "b", the
8 liquor control license of the establishment shall be suspended
9 for a period of fourteen days in the same manner as provided in
10 section 123.50, subsection 3, paragraph "a".

11 (4) If a person owning or employed by an establishment
12 having a class "B" or class "C" beer permit issued pursuant to
13 chapter 123 commits an offense as provided in this paragraph
14 "b", the beer permit of the establishment shall be suspended
15 for a period of fourteen days in the same manner as provided in
16 section 123.50, subsection 3, paragraph "a".

17 3. a. The process for denial, suspension, or revocation of
18 a registration issued pursuant to section ~~99B.10 or 99B.10A,~~
19 or 99B.53, shall commence by delivering to the applicant or
20 registrant ~~by certified mail, return receipt requested, or~~
21 ~~by personal service~~ a notice, by means authorized by section
22 17A.18, setting forth the proposed action and the particular
23 reasons for such action.

24 b. (1) If a written request for a hearing is not received
25 within thirty days after ~~the mailing or service of the the~~
26 delivery of notice as provided by paragraph "a", the denial,
27 suspension, or revocation of a registration shall become
28 effective pending a final determination by the department. The
29 proposed action in the notice may be affirmed, modified, or set
30 aside by the department in a written decision.

31 (2) If a request for a hearing is timely received by
32 the department, the applicant or registrant shall be given
33 an opportunity for a prompt and fair hearing before the
34 department and the denial, suspension, or revocation shall
35 be deemed suspended until the department makes a final

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1 determination. However, the director of the department may
2 suspend a registration prior to a hearing if the director
3 finds that the public integrity of the registered activity
4 is compromised or there is a risk to public health, safety,
5 or welfare. In addition, at any time during or prior to the
6 hearing, the department may rescind the notice of the denial,
7 suspension, or revocation upon being satisfied that the reasons
8 for the denial, suspension, or revocation have been or will
9 be removed. On the basis of any such hearing, the proposed
10 action in the notice may be affirmed, modified, or set aside by
11 the department in a written decision. The procedure governing
12 hearings authorized by this paragraph shall be in accordance
13 with the rules promulgated by the department and chapter 17A.

14 c. A copy of the final decision of the department shall
15 be sent by electronic mail or certified mail, with return
16 receipt requested, or served personally upon the applicant or
17 registrant. The applicant or registrant may seek judicial
18 review in accordance with the terms of the Iowa administrative
19 procedure Act, chapter 17A.

20 d. If the department finds cause for denial of a
21 registration issued pursuant to section ~~99B.10 or~~ 99B.10A,
22 or 99B.53, the applicant shall not reapply for the same
23 registration for a period of two years. If the department
24 finds cause for a suspension or revocation, the registration
25 shall be suspended or revoked for a period not to exceed two
26 years.

27 Sec. 22. Section 99B.10C, Code 2015, is amended to read as
28 follows:

29 **99B.10C ~~Electrical and~~ Registered electrical or mechanical**
30 **amusement devices — persons under twenty-one — penalties.**

31 1. A person under the age of twenty-one years shall not
32 participate in the operation of ~~an~~ a registered electrical ~~and~~
33 or mechanical amusement device. A person who violates this
34 subsection commits a scheduled violation under section 805.8C,
35 subsection 4.

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1 2. A person owning or leasing ~~an~~ a registered electrical
2 ~~and or~~ mechanical amusement device, or an employee of a person
3 owning or leasing ~~an~~ a registered electrical ~~and or~~ mechanical
4 amusement device, who knowingly allows a person under the age
5 of twenty-one years to participate in the operation of ~~an~~ a
6 registered electrical ~~and or~~ mechanical amusement device, or
7 a person who knowingly participates in the operation of ~~an~~ a
8 registered electrical ~~and or~~ mechanical amusement device with a
9 person under the age of twenty-one years, is guilty of a simple
10 misdemeanor.

11 3. For purposes of this section, ~~an electrical and~~
12 ~~mechanical amusement device~~ "registered electrical or mechanical
13 amusement device" means an electrical ~~and or~~ mechanical
14 amusement device required to be registered as provided in
15 section 99B.10, ~~subsection 1, paragraph "f"~~ 99B.53.

16 Sec. 23. Section 99B.10D, Code 2015, is amended to read as
17 follows:

18 **99B.10D Electrical ~~and or~~ mechanical amusement devices —**
19 **special fund.**

20 Fees collected by the department pursuant to sections
21 ~~99B.10 and 99B.10A and 99B.53~~ shall be deposited in a special
22 fund created in the state treasury. Moneys in the fund are
23 appropriated to the department of inspections and appeals
24 and the department of public safety for administration and
25 enforcement of ~~sections 99B.10, 99B.10A, 99B.10B, and 99B.10C~~
26 this subchapter, including employment of necessary personnel.
27 The distribution of moneys in the fund to the department of
28 inspections and appeals and the department of public safety
29 shall be pursuant to a written policy agreed upon by the
30 departments. Notwithstanding section 12C.7, subsection 2,
31 interest or earnings on moneys deposited in the fund shall be
32 credited to the fund. Notwithstanding section 8.33, moneys
33 remaining in the fund at the end of a fiscal year shall not
34 revert to the general fund of the state.

35 Sec. 24. Section 99B.11, Code 2015, is amended to read as

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1 follows:

2 **99B.11 Bona fide contests.**

3 1. ~~It is lawful for a~~ A person to ~~may~~ conduct, without a
4 license, any of the contests specified in subsection 2, and ~~to~~
5 may offer and pay awards to persons winning in those contests
6 whether or not entry fees, participation fees, or other charges
7 are assessed against or collected from the participants, ~~but~~
8 ~~only~~ if all of the following requirements are ~~complied with~~
9 met:

10 ~~a. The contest is not held at an amusement concession.~~

11 ~~b. No~~ A gambling device is not used in conjunction with, or
12 incident to the contest.

13 ~~c. b.~~ The contest is not conducted in whole or in part
14 on or in any property subject to chapter 297, relating to
15 schoolhouses and schoolhouse sites, unless the contest and the
16 person conducting the contest has the express written approval
17 of the governing body of that school district.

18 ~~d. c.~~ The contest is conducted in a fair and honest manner.

19 d. A contest shall not be designed or adapted to permit the
20 operator of the contest to prevent a participant from winning
21 or to predetermine who the winner will be, ~~and the.~~

22 e. The object of the contest must be attainable and possible
23 to perform under the rules stated.

24 f. If the contest is a tournament, the tournament operator
25 shall prominently display all tournament rules.

26 2. A contest, including a contest in a league or tournament,
27 ~~is not lawful unless only if it is~~ falls into one of the
28 following ~~contests~~ event categories:

29 ~~a. Athletic or sporting events. Athletic or sporting~~
30 ~~contests, leagues or tournaments, Events in this category~~
31 include basketball, volleyball, football, baseball, softball,
32 soccer, wrestling, swimming, track and field, racquetball,
33 tennis, squash, badminton, table tennis, rodeos, horse shows,
34 golf, bowling, trap or skeet shoots, fly casting, tractor
35 pulling, rifle, pistol, musket, or muzzle-loader shooting, pool

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1 ~~billiards, darts, archery, and horseshoe contests, leagues, or~~
2 ~~tournaments~~ horseshoes.

3 *b. Racing and skill-type events.* ~~Horse~~ Events in this
4 category include horse races, harness racing, ski, airplane,
5 snowmobile, raft, boat, bicycle, and motor vehicle races.

6 *c. Arts and crafts-type events.* ~~Contests or exhibitions~~
7 ~~of~~ Events in this category include cooking, horticulture,
8 livestock, poultry, fish or other animals, artwork, hobbywork
9 ~~or, and~~ craftwork, except those prohibited by chapter 717A.

10 *d. Card game-type and board game-type events.* ~~Cribbage,~~
11 Events in this category include cribbage, bridge, euchre,
12 chess, checkers, dominoes, and pinochle ~~and similar contests,~~
13 ~~leagues or tournaments.~~ The provisions of this paragraph are
14 ~~retroactive to August 15, 1975.~~

15 *e. Trivia and trading card events.*

16 *f. Video game-type and video sporting-type events.* ~~A video~~
17 ~~machine golf tournament game which is an interactive bona fide~~
18 ~~contest. A player operates a video machine golf tournament~~
19 ~~game with a trackball assembly which acts as the golfer's swing~~
20 ~~and determines the results of play and tournament scores. A~~
21 ~~video machine golf tournament game is capable of receiving~~
22 ~~program and data information from an off-site location. A~~
23 ~~tournament operator shall prominently display all tournament~~
24 ~~rules. Events in this category include pinball games, video~~
25 games, and video machine golf tournament games, where skill
26 is the predominant factor in determining the result of play
27 and tournament scores. To be lawful, a player shall operate a
28 video machine with a device which directly impacts the results
29 of the game.

30 3. A poker, blackjack, craps, keno, or roulette contest,
31 league, or tournament shall not be considered a bona fide
32 contest under this section.

33 Sec. 25. NEW SECTION. 99B.11A Definitions.

34 As used in this subchapter and subchapter III, unless the
35 context otherwise requires:

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1 1. "*Electronic bingo equipment*" means an electronic device
2 that assists an individual with a disability in the use of a
3 bingo card during a bingo game.

4 2. "*Large raffle*" means a raffle where the cumulative value
5 of cash and prizes is more than ten thousand dollars but not
6 more than one hundred thousand dollars.

7 3. "*Small raffle*" means a raffle where the cumulative value
8 of cash and prizes is more than one thousand dollars but not
9 more than ten thousand dollars.

10 4. "*Very large raffle*" means a raffle where the cumulative
11 value of cash and prizes is more than one hundred thousand
12 dollars but not more than two hundred thousand dollars or the
13 prize is real property.

14 5. "*Very small raffle*" means a raffle where the cumulative
15 value of the prize or prizes is one thousand dollars or less
16 and the value of all entries sold is one thousand dollars or
17 less.

18 Sec. 26. Section 99B.12, Code 2015, is amended by striking
19 the section and inserting in lieu thereof the following:

20 **99B.12 Social gambling between individuals.**

21 1. An individual may participate in social gambling if,
22 subject to the requirements of section 99B.42, all of the
23 following requirements are met:

24 a. The gambling is not participated in, either wholly or in
25 part, on or in any schoolhouses, schoolhouse sites, or other
26 property subject to chapter 297.

27 b. All participants in the gambling are individuals.

28 c. A person shall not participate in any wager, bet, or
29 pool which relates to an athletic event or contest and which
30 is authorized or sponsored by one or more schools, educational
31 institutions, or interscholastic athletic organizations, if
32 the person is a coach, official, player, or contestant in the
33 athletic event or contest.

34 d. In any game requiring a dealer or operator, the
35 participants must have the option to take their turn at dealing

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1 or operating the game in a regular order according to the
2 standard rules of the game.

3 2. Social gambling allowed under this section is limited to
4 any of the following:

5 a. Games of skill and games of chance, except casino-style
6 games other than poker.

7 b. Wagers or bets between two or more individuals who are
8 physically in the presence of each other with respect to any
9 of the following:

10 (1) A contest specified in section 99B.11, except that no
11 individual shall win or lose more than a total of fifty dollars
12 or equivalent consideration in one or more contests at any time
13 during any period of twenty-four consecutive hours or over that
14 entire period.

15 (2) Any other event or outcome which does not depend upon
16 gambling or the use of a gambling device that is unlawful in
17 this state.

18 Sec. 27. NEW SECTION. **99B.12B Qualified organization**
19 **licenses — general provisions — types of licenses.**

20 1. *General provisions.*

21 a. A qualified organization shall submit an application for
22 a license, along with any required fees, to the department at
23 least thirty days in advance of the beginning of the gambling
24 activity, including the sale of entries or promotion of the
25 sale of entries for raffles.

26 b. For purposes of this section, a license is deemed to be
27 issued on the first day of the period for which the license is
28 issued.

29 c. An applicant that has not submitted an annual report
30 required pursuant to section 99B.16A shall submit such report
31 prior to approval of the application.

32 d. A license shall not be issued to an applicant whose
33 previous license issued under this chapter or chapter 123 has
34 been revoked until the period of revocation or revocations has
35 elapsed.

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1 *e.* The license fee is not refundable.

2 2. *Two-year qualified organization license.*

3 *a.* The license fee for a two-year qualified organization
4 license is one hundred fifty dollars.

5 *b.* An applicant for a license under this subsection shall
6 be a qualified organization that has been in existence for at
7 least five years, or is a local chapter or an affiliate of a
8 national tax-exempt organization that has been in existence
9 for at least two years and has provided written authorization
10 from the national organization to the department. The national
11 tax-exempt organization shall be exempt from federal income
12 taxes as described in section 99B.1, subsection 25, paragraph
13 "a", and have been in existence at least five years.

14 *c.* A qualified organization issued a two-year qualified
15 organization license may conduct the following activities:

16 (1) Unlimited games of skill or games of chance except for
17 bingo.

18 (2) An unlimited number of very small raffles and an
19 unlimited number of small raffles, including electronic
20 raffles.

21 (3) One large raffle, including an electronic raffle,
22 each calendar year during the two-year period, subject to the
23 requirements of section 99B.24.

24 (4) Up to three bingo occasions per week and up to fifteen
25 bingo occasions per month.

26 (5) One game night each calendar year during the two-year
27 period, subject to the requirements of section 99B.26.

28 3. *One-year qualified organization raffle license.*

29 *a.* The license fee for a one-year qualified organization
30 raffle license is one hundred fifty dollars.

31 *b.* A qualified organization issued a one-year qualified
32 organization raffle license may conduct the following
33 activities:

34 (1) An unlimited number of very small raffles and an
35 unlimited number of small raffles.

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1 (2) Up to eight large raffles with each large raffle
2 conducted in a different county during the one-year period,
3 subject to the requirements of section 99B.24.

4 (3) One game night during the one-year period, subject to
5 the requirements of section 99B.26.

6 4. *One hundred eighty-day qualified organization raffle*
7 *license.*

8 a. The license fee for a one hundred eighty-day qualified
9 organization raffle license is seventy-five dollars.

10 b. A qualified organization issued a one hundred eighty-day
11 qualified organization raffle license may conduct the following
12 activities:

13 (1) An unlimited number of very small raffles and an
14 unlimited number of small raffles.

15 (2) One large raffle during the period of one hundred eighty
16 days, subject to the requirements of section 99B.24.

17 (3) One game night during the period of one hundred eighty
18 days, subject to the requirements of section 99B.26.

19 5. *Ninety-day qualified organization raffle license.*

20 a. The license fee for a ninety-day qualified organization
21 raffle license is forty dollars.

22 b. A qualified organization issued a ninety-day qualified
23 organization raffle license may conduct the following
24 activities:

25 (1) An unlimited number of very small raffles and an
26 unlimited number of small raffles.

27 (2) One large raffle during the period of ninety days,
28 subject to the requirements of section 99B.24.

29 (3) One game night during the period of ninety days, subject
30 to the requirements of section 99B.26.

31 6. *Fourteen-day qualified organization license.*

32 a. The license fee for a fourteen-day qualified organization
33 license is fifteen dollars.

34 b. A qualified organization issued a fourteen-day qualified
35 organization license may conduct the following activities:

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1 (1) Unlimited games of skill or games of chance except for
2 bingo.

3 (2) An unlimited number of very small raffles and an
4 unlimited number of small raffles.

5 (3) One large raffle during the period of fourteen days,
6 subject to the requirements of section 99B.24.

7 (4) Two bingo occasions during the period of fourteen days
8 with no limit on the number of bingo games or the number of
9 hours played during each designated bingo day. Bingo occasions
10 conducted pursuant to a fourteen-day qualified organization
11 license do not count toward the fifteen bingo occasions per
12 month authorized for a two-year qualified organization license.

13 (5) One game night during the period of fourteen days,
14 subject to the requirements of section 99B.26.

15 7. *Qualified organizations — school provisions.* A school
16 district or a public or nonpublic school may be issued a
17 qualified organization license under this section subject to
18 the following additional restrictions:

19 a. The application for a license shall be authorized by
20 the board of directors of a school district for public schools
21 within that district, or the policymaking body of a nonpublic
22 school for a nonpublic school.

23 b. Activities authorized by the license may be held at
24 bona fide school functions such as carnivals, fall festivals,
25 bazaars, and similar events.

26 c. Each school shall obtain a license pursuant to this
27 section prior to permitting the games or activities on the
28 premises of that school.

29 d. The board of directors of a public school district
30 may also be issued a license under this section. A board
31 of directors of a public school district shall not spend or
32 authorize the expenditure of public funds for the purpose of
33 purchasing a license.

34 e. Upon written approval by the board of directors of a
35 school district for public schools within that district or

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1 the policymaking body of a nonpublic school, the license may
2 be used by any school group or parent support group in the
3 district or at the nonpublic school to conduct activities
4 authorized by this section. The board of directors or
5 policymaking body shall not authorize a school group or parent
6 support group to use the license to conduct more than two
7 events in a calendar year.

8 8. *Qualified organizations — miscellaneous provisions.* A
9 political party or party organization may contract with other
10 qualified organizations to conduct the games of skill, games
11 of chance, and raffles which may lawfully be conducted by the
12 political party or party organization. A licensed qualified
13 organization may promote the games of skill, games of chance,
14 and raffles which it may lawfully conduct.

15 Sec. 28. NEW SECTION. 99B.13A Licensed qualified
16 organizations — general requirements.

17 A qualified organization licensed pursuant to section
18 99B.12B shall, as a condition of licensure under section
19 99B.12B, comply with the requirements of this section.

20 1. *Authorized gambling activities — display of license.* A
21 licensed qualified organization may only conduct gambling
22 activities as authorized by the license and shall prominently
23 display the license in the playing area where the gambling
24 activities are conducted.

25 2. *Location requirements.*

26 a. Gambling activities, as authorized by the type of
27 license, may be conducted on premises owned, leased, or rented
28 by the licensee. The amount imposed and collected for rental
29 or lease of such premises shall not be a percentage of, or
30 otherwise related to, the amount of the receipts for the
31 authorized gambling activities.

32 b. A gambling activity shall not take place on a gaming
33 floor, as defined in section 99F.1, licensed by the state
34 racing and gaming commission created in section 99D.5.

35 3. *Participation requirements.*

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1 *a.* A person shall not receive or have any fixed or
2 contingent right to receive, directly or indirectly, any
3 profit, remuneration, or compensation from or related to a
4 gambling activity conducted by a licensee, except any amount
5 which the person may win as a participant on the same basis as
6 the other participants.

7 *b.* The price to participate in a gambling activity,
8 including any discounts for the gambling activity, shall be the
9 same for each participant during the course of the gambling
10 activity.

11 *c.* The person conducting the gambling activity shall not
12 participate in the game.

13 4. *Gambling activity requirements.*

14 *a.* A gambling activity shall not be operated on a build-up
15 or pyramid basis.

16 *b.* Bookmaking shall not be allowed.

17 *c.* Concealed numbers or conversion charts shall not be used
18 in conducting any gambling activity.

19 *d.* A gambling activity shall not be adapted with any control
20 device to permit manipulation of the gambling activity by
21 the operator in order to prevent a player from winning or to
22 predetermine who the winner will be.

23 *e.* The object of the gambling activity must be attainable
24 and possible to perform under the rules stated from the playing
25 position of the player.

26 *f.* The gambling activity shall be conducted in a fair and
27 honest manner.

28 *g.* Rules for each gambling activity shall be posted.

29 *h.* Casino-style games shall only be allowed during a game
30 night as specified under section 99B.26 or during card game
31 tournaments under section 99B.7B.

32 Sec. 29. Section 99B.14, Code 2015, is amended to read as
33 follows:

34 **99B.14 License denial, suspension, and revocation.**

35 1. The department may deny, suspend, or revoke a license

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1 if the department finds that an applicant, licensee, or an
2 agent of the licensee violated or permitted a violation of
3 a provision of this chapter or a departmental rule adopted
4 pursuant to chapter 17A, or for any other cause for which
5 the director of the department would be or would have
6 been justified in refusing to issue a license, or upon the
7 conviction of a person of a violation of this chapter or a
8 rule adopted under this chapter which occurred on the licensed
9 premises. However, the denial, suspension, or revocation of
10 one type of gambling license does not require, but may result
11 in, the denial, suspension, or revocation of a different type
12 of gambling license held by the same licensee. ~~In addition, a~~

13 2. A person whose license is revoked under this section who
14 is a person for ~~which~~ whom a class "A", class "B", class "C",
15 or class "D" liquor control license has been issued pursuant
16 to chapter 123 shall have the person's liquor control license
17 suspended for a period of fourteen days in the same manner as
18 provided in section 123.50, subsection 3, paragraph "a". ~~In~~
19 ~~addition, a~~

20 3. A person whose license is revoked under this section
21 who is a person for ~~which~~ whom only a class "B" or class "C"
22 beer permit has been issued pursuant to chapter 123 shall have
23 the person's class "B" or class "C" beer permit suspended for
24 a period of fourteen days in the same manner as provided in
25 section 123.50, subsection 3, paragraph "a".

26 ~~2.~~ 4. The process for denial, suspension, or revocation
27 of a license shall commence by delivering to the applicant
28 or licensee ~~by certified mail, return receipt requested, or~~
29 ~~by personal service a~~ notice, by means authorized by section
30 17A.18, setting forth the particular reasons for such action.

31 a. If a written request for a hearing is not received within
32 thirty days after ~~the mailing or service of the delivery of~~
33 notice as provided in this subsection, the denial, suspension,
34 or revocation of a license shall become effective pending a
35 final determination by the department. The determination

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1 involved in the notice may be affirmed, modified, or set aside
2 by the department in a written decision.

3 b. If a request for a hearing is timely received by the
4 department, the applicant or licensee shall be given an
5 opportunity for a prompt and fair hearing before the department
6 and the denial, suspension, or revocation shall be deemed
7 suspended until the department makes a final determination.
8 However, the director may suspend a license prior to a hearing
9 if the director finds that the public integrity of the licensed
10 activity is compromised or there is a risk to public health,
11 safety, or welfare. In addition, at any time during or prior
12 to the hearing the department may rescind the notice of the
13 denial, suspension, or revocation upon being satisfied that the
14 reasons for the denial, suspension, or revocation have been
15 or will be removed. On the basis of any such hearing, the
16 determination involved in the notice may be affirmed, modified,
17 or set aside by the department in a written decision.

18 ~~3.~~ 5. A copy of the final decision of the department shall
19 be sent by electronic mail or certified mail, with return
20 receipt requested, or served personally upon the applicant
21 or licensee. The applicant or licensee may seek judicial
22 review in accordance with the terms of the Iowa administrative
23 procedure Act, chapter 17A.

24 ~~4.~~ 6. The procedure governing hearings authorized by this
25 section shall be in accordance with the rules promulgated by
26 the department and chapter 17A.

27 ~~5.~~ 7. If the department finds cause for denial of a
28 license, the applicant may not reapply for the same license
29 for a period of two years. If the department finds cause
30 for suspension, the license shall be suspended for a period
31 determined by the department. If the department finds cause
32 for revocation, the license shall be revoked for a period not
33 to exceed two years.

34 Sec. 30. NEW SECTION. **99B.14A Distribution of proceeds —**
35 **licensed qualified organizations.**

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1 1. A licensed qualified organization shall certify
2 that the receipts from all charitable gambling conducted
3 by the organization under this chapter, less reasonable
4 expenses, charges, fees, taxes, and deductions, either will
5 be distributed as prizes to participants or will be dedicated
6 and distributed for educational, civic, public, charitable,
7 patriotic, or religious uses. Reasonable expenses, charges,
8 fees, taxes other than the state and local sales tax, and
9 deductions allowed by the department shall not exceed forty
10 percent of net receipts.

11 2. A licensed qualified organization shall dedicate and
12 distribute the balance of the net receipts received within
13 a calendar year and remaining after deduction of reasonable
14 expenses, charges, fees, taxes, and deductions allowed by
15 this chapter, before the annual report required under section
16 99B.16A is due.

17 a. A person desiring to hold the net receipts for a period
18 longer than permitted under this subsection shall apply to the
19 department for special permission and upon good cause shown the
20 department may grant the request.

21 b. If permission is granted to hold the net receipts,
22 the person shall, as a part of the annual report required by
23 section 99B.16A, report the amount of money being held and all
24 expenditures of the funds. This report shall be filed even if
25 the person no longer holds a gambling license.

26 3. Proceeds coming into the possession of a person under
27 this section are deemed to be held in trust for payment
28 of expenses and dedication to educational, civic, public,
29 charitable, patriotic, or religious uses as required by this
30 section.

31 4. A licensed qualified organization or agent of the
32 organization who willfully fails to dedicate the required
33 amount of proceeds to educational, civic, public, charitable,
34 patriotic, or religious uses as required by this section
35 commits a fraudulent practice under chapter 714.

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1 5. Proceeds distributed to another charitable organization
2 to satisfy the sixty percent dedication requirement shall not
3 be used by the donee to pay any expenses in connection with the
4 conducting of any gambling activity by the donor organization,
5 or for any use that would not constitute a valid dedication
6 under this section.

7 Sec. 31. Section 99B.15, Code 2015, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **99B.15 Penalties.**

10 In addition to any other penalty specified in this chapter,
11 the following penalties shall apply:

12 1. A person who knowingly fails to comply with the
13 requirements of this chapter and the rules adopted pursuant to
14 chapter 17A commits a serious misdemeanor.

15 2. A person who intentionally files a false or fraudulent
16 report or application as required by this chapter commits a
17 fraudulent practice under chapter 714.

18 Sec. 32. NEW SECTION. **99B.15A Prizes awarded by licensed**
19 **qualified organizations.**

20 1. Unless otherwise provided, a prize awarded by a licensed
21 qualified organization shall comply with the following
22 requirements:

23 a. Only merchandise prizes whose value does not exceed ten
24 thousand dollars may be awarded for games of skill and games
25 of chance. If a prize consists of more than one item, unit, or
26 part, the aggregate value of all items, units, or parts shall
27 not exceed ten thousand dollars.

28 b. A merchandise prize shall not be repurchased.

29 c. No prize shall be displayed which cannot be won.

30 d. A cash prize may only be awarded in bingo and raffles.

31 e. A prize shall be distributed on the day the prize is won,
32 except that if the winner is not present, notification to the
33 winner shall be made as soon as practical.

34 2. A licensed qualified organization awarding a prize
35 for bingo is subject to the restrictions provided in section

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1 99B.21A. A licensed qualified organization awarding a prize
2 for a raffle is subject to the restrictions provided in section
3 99B.24.

4 Sec. 33. NEW SECTION. **99B.16A Records and reports —**
5 **licensed qualified organization.**

6 1. A qualified organization licensed pursuant to section
7 99B.12B, unless otherwise provided, shall maintain proper
8 books of account and records showing, in addition to any other
9 information required by the department, the following:

10 a. Gross receipts and the amount of the gross receipts
11 taxes collected or accrued with respect to gambling activities
12 conducted by the licensed qualified organization.

13 b. All expenses, charges, fees, and other deductions.

14 c. The cash amounts, or the cost to the licensee of goods
15 or other noncash valuables, distributed to participants in the
16 licensed activity.

17 d. The amounts dedicated and the date and name and address
18 of each person to whom distributed.

19 2. The books of account and records shall be made available
20 to the department or a law enforcement agency for inspection at
21 reasonable times, with or without notice. A failure to permit
22 inspection is a serious misdemeanor.

23 3. A licensed qualified organization required to maintain
24 records shall submit an annual report to the department on
25 forms furnished by the department. The annual report shall be
26 submitted by January 31 of each year for the prior calendar
27 year period of January 1 through December 31.

28 Sec. 34. Section 99B.17, Code 2015, is amended by striking
29 the section and inserting in lieu thereof the following:

30 **99B.17 Allowable forms for payment.**

31 1. Social gambling, registered amusement devices, and
32 amusement concessions not at a permanent location, require
33 payment solely by cash.

34 2. Except as provided by subsection 1, a participant in
35 an activity authorized by this chapter may make payment by

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1 cash, personal check, money order, bank check, cashier's check,
2 electronic check, debit card, or credit card.

3 3. The department shall adopt rules setting minimum
4 standards to ensure compliance with applicable federal law and
5 for the protection of personal information consistent with
6 payment card industry compliance regulations.

7 Sec. 35. Section 99B.21, Code 2015, is amended to read as
8 follows:

9 **99B.21 Tax on prizes.**

10 All prizes awarded pursuant to a gambling activity under
11 this chapter are Iowa earned income and are subject to state
12 and federal income tax laws. A person conducting a game of
13 skill, game of chance, bingo, or a raffle shall deduct state
14 income taxes, pursuant to section 422.16, subsection 1, from a
15 cash prize awarded to an individual. An amount deducted from
16 the prize for payment of a state tax shall be remitted to the
17 department of revenue on behalf of the prize winner.

18 Sec. 36. **NEW SECTION. 99B.21A Bingo.**

19 A licensed qualified organization shall comply with the
20 requirements of this section for the purposes of conducting
21 bingo at a bingo occasion.

22 1. *Operational requirements.*

23 a. A bingo occasion shall not last for longer than four
24 consecutive hours.

25 b. Only one licensed qualified organization may conduct
26 bingo occasions within the same structure or building.

27 c. A licensed qualified organization shall not conduct or
28 offer free bingo games.

29 2. *Prize requirements.*

30 a. A cash or merchandise prize may be awarded in the game of
31 bingo.

32 b. A cash prize shall not exceed two hundred fifty dollars
33 per game of bingo.

34 c. A merchandise prize may be awarded in the game of bingo,
35 but the actual retail value of the prize, or if the prize

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1 consists of more than one item, unit, or part, the aggregate
2 retail value of all items, units, or parts, shall not exceed
3 two hundred fifty dollars in value.

4 *d.* A jackpot bingo game may be conducted twice during any
5 twenty-four-hour period in which the prize may begin at not
6 more than five hundred dollars in cash or actual retail value
7 of merchandise prizes and may be increased by not more than two
8 hundred dollars after each bingo occasion to a maximum prize
9 of one thousand dollars for the first jackpot bingo game and
10 two thousand five hundred dollars for the second jackpot bingo
11 game.

12 3. *Equipment requirements.*

13 *a.* A licensed qualified organization conducting bingo shall
14 purchase bingo equipment and supplies only from a manufacturer
15 or distributor licensed by the department.

16 *b.* A licensed qualified organization may lease electronic
17 bingo equipment from a manufacturer or distributor licensed
18 by the department for the purposes of aiding individuals with
19 disabilities during a bingo occasion.

20 4. *Accounting requirements.* A qualified organization
21 conducting bingo occasions under a two-year qualified
22 organization license and expecting annual gross receipts of
23 more than ten thousand dollars shall establish and maintain one
24 regular checking account designated the "*bingo account*" and may
25 also maintain one or more interest-bearing savings accounts
26 designated as "*bingo savings account*". The accounts shall be
27 maintained in a financial institution in Iowa.

28 *a.* Funds derived from the conduct of bingo, less the
29 amount awarded as cash prizes, shall be deposited in the bingo
30 account.

31 (1) No other funds except limited funds of the organization
32 deposited to pay initial or unexpected emergency expenses shall
33 be deposited in the bingo account.

34 (2) Deposits shall be made no later than the next business
35 day following the day of the bingo occasion on which the

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1 receipts were obtained.

2 *b.* Payments shall be paid from the bingo account only for
3 the following purposes:

4 (1) The payment of reasonable expenses permitted under
5 section 99B.14A, subsection 1, incurred and paid in connection
6 with the conduct of bingo.

7 (2) The disbursement of net proceeds derived from the
8 conduct of bingo for educational, civic, public, charitable,
9 patriotic, or religious uses as required by section 99B.14A,
10 subsection 1.

11 (3) The transfer of net proceeds derived from the conduct
12 of bingo to a bingo savings account pending disbursement for
13 educational, civic, public, charitable, patriotic, or religious
14 uses.

15 (4) To withdraw initial or emergency funds deposited under
16 paragraph "a".

17 (5) To pay prizes if the qualified organization decides to
18 pay prizes by check rather than cash.

19 *c.* Except as permitted by paragraph "a", gross receipts
20 derived from the conduct of bingo shall not be commingled with
21 other funds of the licensed qualified organization. Except as
22 permitted by paragraph "b", subparagraphs (3) and (4), gross
23 receipts shall not be transferred to another account maintained
24 by the licensed qualified organization.

25 Sec. 37. NEW SECTION. **99B.24 Raffles.**

26 1. *General provisions.* A licensed qualified organization
27 may conduct a raffle as permitted by the applicable license and
28 in accordance with the following requirements:

29 *a.* The winner of a raffle shall not be required to be
30 present to win.

31 *b.* If the winner is not present to win, notification to the
32 winner shall be made as soon as practical.

33 *c.* A cash or merchandise prize may be awarded in a raffle.
34 If a merchandise prize is awarded, the actual retail value of
35 the prize, or if the prize consists of more than one item,

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1 unit, or part, the aggregate retail value of all items, units,
2 or parts, shall not exceed the maximum value allowed for that
3 raffle.

4 *d.* Calendar raffles and build-up or pyramid raffles are
5 prohibited.

6 *e.* If a raffle is conducted at a fair, the licensed
7 qualified organization shall receive written permission from
8 the sponsor of the fair to conduct the raffle.

9 *f.* A licensed qualified organization shall, regardless of
10 the number of licenses issued, only conduct one large raffle
11 per calendar year. However, a licensed qualified organization
12 issued a one-year qualified organization raffle license may
13 conduct up to eight large raffles with each large raffle
14 conducted in a different county during the one-year period.

15 2. *Very large raffles.* A licensed qualified organization
16 may conduct one very large raffle per calendar year subject to
17 the provisions of this subsection.

18 *a.* The licensed qualified organization shall submit a very
19 large raffle license application and a fee of one hundred
20 dollars to the department and be issued a license.

21 *b.* The licensed qualified organization shall prominently
22 display the license at the drawing area of the raffle.

23 *c.* If the raffle prize is real property, the real property
24 shall be acquired by gift or donation or shall have been owned
25 by the licensed qualified organization for a period of at least
26 five years.

27 *d.* The department shall conduct a special audit of a
28 very large raffle to verify compliance with the applicable
29 requirements of this chapter concerning raffles and very large
30 raffles.

31 *e.* The licensed qualified organization shall submit to the
32 department within sixty days of the very large raffle drawing a
33 cumulative report for the raffle on a form determined by the
34 department and one percent of the gross receipts from the very
35 large raffle. The one percent of the gross receipts shall be

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1 retained by the department to pay for the cost of the special
2 audit.

3 3. *Very small raffles.* A qualified organization may conduct
4 one very small raffle per calendar year without obtaining a
5 qualified organization license. A qualified organization
6 conducting a very small raffle as authorized by this subsection
7 shall comply with the requirements for conducting a raffle
8 by a licensed qualified organization, including payment of
9 applicable sales tax. However, a qualified organization
10 holding only one very small raffle per calendar year shall be
11 exempt from the reporting requirements in section 99B.16A.

12 Sec. 38. NEW SECTION. **99B.25 Electronic raffles.**

13 1. A qualified organization with a two-year qualified
14 organization license may conduct a raffle using an electronic
15 raffle system, if the qualified organization complies with the
16 requirements of section 99B.24 and this section.

17 2. The licensed qualified organization shall only use
18 an electronic raffle system purchased from a manufacturer or
19 distributor licensed pursuant to section 99B.7A and certified
20 by an entity approved by the department. The electronic raffle
21 system may include stationary and portable or wireless raffle
22 sales units.

23 3. A licensed qualified organization shall hold only one
24 raffle using an electronic raffle system per calendar day. A
25 licensed qualified organization shall not hold a very large
26 raffle using an electronic raffle system and may hold only one
27 large raffle using an electronic raffle system per calendar
28 year. A large raffle conducted using an electronic raffle
29 system counts toward the limit of one large raffle per calendar
30 year under section 99B.24, subsection 1, paragraph "f".

31 4. Except for a large raffle conducted using an electronic
32 raffle system, the prize for an electronic raffle shall be
33 limited to the amount allowed for a small raffle.

34 5. Entries for a raffle using an electronic raffle system
35 shall not be preprinted and shall be provided to the purchaser

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1 at the time of sale.

2 6. The electronic raffle receipt shall contain the
3 following information:

4 a. The name of the licensed qualified organization.

5 b. The license identification number of the qualified
6 organization.

7 c. The location, date, and time of the corresponding raffle
8 drawing.

9 d. The unique printed entry number, or multiple entry
10 numbers, of the raffle entry.

11 e. The price of the raffle entry.

12 f. An explanation of the prize to be awarded.

13 g. The statement, "Need not be present to win", and the
14 contact information, including name, telephone number, and
15 electronic mail address, of the individual from the qualified
16 organization responsible for prize disbursements.

17 h. The date by which the prize shall be claimed which shall
18 be no fewer than fourteen days following the drawing.

19 7. Each electronic raffle entry shall reflect a single
20 unique printed entry number on the entry.

21 8. The licensed qualified organization shall use a manual
22 draw procedure for the electronic raffle which ensures a draw
23 number is randomly selected as a winner from the entries sold.

24 a. The winning entry shall be verified as a sold and valid
25 entry prior to awarding the prize.

26 b. The drawing of the winning entry shall be done in such
27 manner as to allow the purchasers to observe the drawing.

28 9. If the prize is not claimed, the licensed qualified
29 organization shall donate the unclaimed prize to an
30 educational, civic, public, charitable, patriotic, or religious
31 use.

32 10. The department may determine any other requirements for
33 conducting an electronic raffle by rule.

34 Sec. 39. **NEW SECTION. 99B.26 Game nights.**

35 1. A licensed qualified organization may conduct one game

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1 night per calendar year subject to the provisions of this
2 section.

3 2. A licensed qualified organization conducting a game
4 night may do any of the following during the game night:

5 a. Charge an entrance fee or a fee to participate in the
6 games.

7 b. Award cash or merchandise prizes in any games of
8 skill, games of chance, casino-style games, or card games in
9 an aggregate amount not to exceed ten thousand dollars and
10 no participant shall win more than a total of five thousand
11 dollars.

12 c. Allow participants at the game night that do not have
13 a bona fide social relationship with the sponsor of the game
14 night.

15 d. Allow participants to wager their own funds and pay an
16 entrance or other fee for participation, but participants shall
17 not be allowed to expend more than a total of two hundred fifty
18 dollars for all fees and wagers.

19 3. Except as provided by section 99B.62, a person or
20 organization that has not been issued a qualified organization
21 license under section 99B.12B shall not be authorized to
22 conduct a game night as authorized by this section.

23 Sec. 40. NEW SECTION. 99B.41 Definitions.

24 For purposes of this subchapter, unless the context
25 otherwise requires:

26 1. "*Public place*" means an indoor or outdoor area, whether
27 privately or publicly owned, to which the public has access
28 by right or by invitation, expressed or implied, whether by
29 payment of money or not, but not a place when used exclusively
30 by one or more individuals for a private gathering or other
31 personal purpose.

32 2. "*Social gambling*" means an activity in which social games
33 are played between individuals for any sum of money or other
34 property of any value.

35 3. "*Social games*" or "*social game*" means card and parlor

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1 games, including but not limited to poker, pinochle, pitch, gin
2 rummy, bridge, euchre, hearts, cribbage, dominoes, checkers,
3 chess, backgammon, pool, and darts. *"Social games"* do not
4 include casino-style games, except poker.

5 4. *"Sports betting pool"* or *"pool"* means a game in which
6 the participants select a square on a grid corresponding to
7 numbers on two intersecting sides of the grid and winners
8 are determined by whether the square selected corresponds to
9 numbers relating to an athletic event in the manner prescribed
10 by the rules of the game.

11 Sec. 41. NEW SECTION. **99B.42 Social gambling general**
12 **requirements.**

13 1. Social gambling is lawful under section 99B.6, 99B.9, or
14 99B.12, when all of the following requirements are met:

15 a. The gambling occurs between two or more people who are
16 together for purposes other than social gambling. A social
17 relationship must exist beyond that apparent in the gambling
18 situation.

19 b. The gambling shall not take place on a gaming floor,
20 as defined in section 99F.1, licensed by the state racing and
21 gaming commission created in section 99D.5.

22 c. Concealed numbers or conversion charts are not used to
23 play any game.

24 d. A game is not adapted with any control device to permit
25 manipulation of the game by the operator in order to prevent a
26 player from winning or to predetermine who the winner will be.

27 e. The object of the game is attainable and possible to
28 perform under the rules stated from the playing position of the
29 player.

30 f. The game must be conducted in a fair and honest manner.

31 g. A person shall not receive or have any fixed or
32 contingent right to receive, directly or indirectly, any amount
33 wagered or bet or any portion of amounts wagered or bet, except
34 an amount which the person wins as a participant while playing
35 on the same basis as every other participant.

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1 *h.* A cover charge, participation charge, or other charge
2 shall not be imposed upon a person for the privilege of
3 participating in or observing the social gambling, and a
4 rebate, discount, credit, or other method shall not be used
5 to discriminate between the charge for the sale of goods
6 or services to participants in the social gambling and the
7 charge for the sale of goods or services to nonparticipants.
8 Satisfaction of an obligation into which a member of an
9 organization enters to pay at regular periodic intervals a
10 sum fixed by that organization for the maintenance of that
11 organization is not a charge which is prohibited by this
12 paragraph.

13 *i.* A participant shall not win or lose more than a total of
14 fifty dollars or equivalent consideration in one or more games
15 permitted by this subchapter at any time during any period of
16 twenty-four consecutive hours or over that entire period.

17 *j.* A participant is not participating as an agent of another
18 person.

19 *k.* A representative of the department or a law enforcement
20 agency is immediately admitted, upon request, to the premises
21 with or without advance notice.

22 1. A person shall not engage in bookmaking on the premises.

23 2. The social gambling licensee is strictly accountable for
24 compliance with this section. Proof of an act constituting
25 a violation is grounds for revocation of the license issued
26 pursuant to section 99B.6 or 99B.9 if the licensee permitted
27 the violation to occur when the licensee knew or had reasonable
28 cause to know of the act constituting the violation.

29 3. A participant in a social game or pool which is not in
30 compliance with this section shall only be subject to a penalty
31 under section 99B.15 if the participant has knowledge of or
32 reason to know the facts constituting the violation.

33 4. The social gambling licensee, and every agent of the
34 licensee who is required by the licensee to exercise control
35 over the use of the premises, who knowingly permits or engages

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1 in an act or omission which constitutes a violation of this
2 subchapter is subject to a penalty under section 99B.15. A
3 licensee has knowledge of an act or omission if any agent of
4 the licensee has knowledge of the act or omission.

5 Sec. 42. NEW SECTION. **99B.51 Definitions.**

6 As used in this subchapter, unless the context otherwise
7 requires:

8 1. "*Distributor*" means a person who owns an electrical or
9 mechanical amusement device registered as provided in section
10 99B.53 that is offered for use at more than a single location
11 or premise.

12 2. "*Manufacturer*" means a person who originally produces,
13 or purchases an originally produced amusement device or
14 an originally produced motherboard that will be installed
15 into, an amusement device required to be registered under
16 this subchapter for the purposes of reselling such device or
17 motherboard.

18 3. "*Owner*" means a person who owns an operable amusement
19 device required to be registered under section 99B.53 at no
20 more than a single location or premise.

21 Sec. 43. NEW SECTION. **99B.52 Electrical or mechanical
22 amusement devices.**

23 1. A person may own, possess, and offer for use at any
24 location an electrical or mechanical amusement device, except
25 for an amusement device required to be registered pursuant to
26 section 99B.53. If the provisions of this section and other
27 applicable provisions of this subchapter are complied with, the
28 use of an electrical or mechanical amusement device shall not
29 be deemed gambling. All electrical or mechanical amusement
30 devices shall comply with this section.

31 2. A prize of merchandise not exceeding fifty dollars in
32 value shall be awarded for use of an electrical or mechanical
33 amusement device. An electrical or mechanical amusement device
34 may be designed or adapted to award a prize of one or more
35 free games or portions of games without payment of additional

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1 consideration by the participant.

2 3. A prize of cash shall not be awarded for use of an
3 electrical or mechanical amusement device.

4 4. An amusement device shall not be designed or adapted to
5 cause or to enable a person to cause the release of free games
6 or portions of games when designated as a potential award for
7 use of the device, and shall not contain any meter or other
8 measurement device for recording the number of free games or
9 portions of games which are awarded.

10 5. An amusement device shall not be designed or adapted to
11 enable a person using the device to increase the chances of
12 winning free games or portions of games by paying more than is
13 ordinarily required to play the game.

14 6. An award given for the use of an amusement device shall
15 only be redeemed on the premises where the device is located
16 and only for merchandise sold in the normal course of business
17 for the premises.

18 7. The department may determine any other requirements
19 by rule. Rules adopted pursuant to this section shall be
20 formulated in consultation with affected state agencies and
21 industry and consumer groups.

22 Sec. 44. NEW SECTION. **99B.53 Electrical or mechanical**
23 **amusement devices — registration required.**

24 1. In addition to the requirements of section 99B.52,
25 an electrical or mechanical amusement device in operation
26 or distributed in this state that awards a prize where the
27 outcome is not primarily determined by skill or knowledge of
28 the operator shall be registered by the department as provided
29 in this section.

30 2. Except as provided in subsection 3, an electrical or
31 mechanical amusement device requiring registration shall be
32 located on premises for which a class "A", class "B", class
33 "C", special class "C", or class "D" liquor control license has
34 been issued pursuant to chapter 123.

35 3. a. An electrical or mechanical amusement device

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1 requiring registration may be located on premises for which a
2 class "B" or class "C" beer permit has been issued pursuant to
3 chapter 123, but the department shall not initially register
4 an electrical or mechanical amusement device to an owner or
5 distributor for a location for which a class "B" or class "C"
6 beer permit has been issued pursuant to chapter 123 on or after
7 April 28, 2004.

8 **b.** A distributor that owns an amusement device at a location
9 for which only a class "B" or class "C" beer permit has been
10 issued pursuant to chapter 123 shall not relocate an amusement
11 device registered as provided in this section to a location
12 other than a location for which a class "A", class "B", class
13 "C", special class "C", or class "D" liquor license has been
14 issued and shall not transfer, assign, sell, or lease an
15 amusement device registered as provided in this section to
16 another person for which only a class "B" or class "C" beer
17 permit has been issued pursuant to chapter 123 after April 28,
18 2004.

19 **c.** If ownership of the location changes, the class "B"
20 or class "C" beer permit does not lapse, and the device is
21 not removed from the location, the device may remain at the
22 location.

23 **4.** An electrical or mechanical amusement device required to
24 be registered and at a location for which only a class "B" or
25 class "C" beer permit has been issued pursuant to chapter 123
26 shall include on the device a security mechanism which prevents
27 the device from being operated by a person until action is
28 taken by the owner or owner's designee to allow the person to
29 operate the device.

30 **5. a.** For a qualified organization, no more than four
31 electrical or mechanical amusement devices registered as
32 provided in this section shall be permitted or offered for use
33 in any single location or premises meeting the requirements of
34 this section.

35 **b.** For all other persons, no more than two electrical or

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1 mechanical amusement devices registered as provided in this
2 section shall be permitted or offered for use in any single
3 location or premises meeting the requirements of this section.

4 6. The total number of electrical or mechanical amusement
5 devices registered by the department under this section shall
6 not exceed six thousand nine hundred twenty-eight.

7 7. Each person owning an electrical or mechanical amusement
8 device in this state shall submit annually an application
9 form designated by the department that shall contain the
10 information required by the department by rule and a fee of
11 twenty-five dollars for each device required to be registered.
12 If approved, the department shall issue an annual registration
13 tag.

14 8. A new amusement device registration tag shall be
15 obtained if electronic or mechanical components have been
16 adapted, altered, or replaced and such adaptation, alteration,
17 or replacement changes the operational characteristics of
18 the amusement device including but not limited to the game
19 being changed. The amusement device shall not be placed
20 into operation prior to obtaining a new amusement device
21 registration tag.

22 9. An electrical or mechanical amusement device required
23 to be registered under this section shall only be leased or
24 purchased from a manufacturer or distributor registered with
25 the department under section 99B.10A.

26 10. A person owning or leasing an electrical or mechanical
27 amusement device required to be registered by this section
28 shall display the registration tag as required by rules adopted
29 by the department.

30 11. A person owning or leasing an electrical or mechanical
31 amusement device required to be registered by this section
32 shall not allow the electrical or mechanical amusement device
33 to be operated or made available for operation with an expired
34 registration.

35 12. A person or employee of a person owning or leasing

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1 an electrical or mechanical amusement device required to be
2 registered by this section shall not advertise or promote the
3 availability of the device to the public as anything other than
4 an electrical or mechanical amusement device pursuant to rules
5 adopted by the department.

6 13. A person owning or leasing an electrical or mechanical
7 amusement device required to be registered by this section
8 shall not relocate and place into operation an amusement device
9 in any location other than a location which has been issued
10 an appropriate liquor control license in good standing and to
11 which the device has been appropriately registered with the
12 department.

13 14. A counting mechanism which establishes the volume of
14 business of the electrical or mechanical amusement device shall
15 be included on each device required to be registered by this
16 section. The department and the department of public safety
17 shall have immediate access to the information provided by the
18 counting mechanism.

19 15. An electrical or mechanical amusement device required
20 to be registered as provided by this section shall not be a
21 gambling device, as defined in section 725.9, or a device that
22 plays poker, blackjack, or keno.

23 Sec. 45. NEW SECTION. **99B.54 Electrical or mechanical**
24 **amusement devices — criminal penalties.**

25 1. A person who violates any provision of section 99B.52 or
26 99B.53, except as specified in subsection 2, commits a serious
27 misdemeanor.

28 2. A person who violates any provision of section 99B.52,
29 subsection 2 or 6; or section 99B.53, subsection 4, 8, 10, 11,
30 12, or 13, shall be subject to the following:

31 a. For a first offense under an applicable subsection, the
32 person commits a simple misdemeanor, punishable as a scheduled
33 violation pursuant to section 805.8C, subsection 4, paragraph
34 "b".

35 b. For a second or subsequent offense under the same

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1 applicable subsection, the person commits a serious
2 misdemeanor.

3 3. Notwithstanding any provision of section 99B.52 or
4 99B.53 to the contrary, the following shall apply:

5 a. An individual other than an owner or distributor of an
6 amusement device may operate an amusement device, whether or
7 not the amusement device is owned, possessed, or offered for
8 use in compliance with section 99B.52 or 99B.53.

9 b. A distributor shall not be liable for a violation of
10 section 99B.52 or 99B.53 unless the distributor or an employee
11 of the distributor intentionally violates a provision of
12 section 99B.52 or 99B.53.

13 Sec. 46. NEW SECTION. 99B.62 Game nights — licensing
14 exceptions.

15 1. A person other than a qualified organization may lawfully
16 conduct a game night without a license, and may award cash or
17 merchandise prizes, under the following conditions:

18 a. A bona fide social, employment, or trade or professional
19 association relationship exists between the sponsors and the
20 participants.

21 b. The participants pay no consideration of any nature,
22 either directly or indirectly, to participate in the games.

23 c. All money, play money, or other items of no intrinsic
24 value which may be wagered are provided to the participant
25 free, and the sponsor conducting the game receives no
26 consideration, either directly or indirectly, other than
27 goodwill.

28 d. The games may be conducted at any location, except at a
29 fair or a location for which a license is required pursuant to
30 section 99B.3.

31 e. During the entire time activities permitted by this
32 subsection are being engaged in, no other gambling is engaged
33 in at the same location.

34 2. A person or an organization may sponsor one or more game
35 nights using play money for participation by students without

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1 the person or organization obtaining a license otherwise
2 required by this chapter if the person or organization obtains
3 prior approval for the game night from the board of directors
4 of the accredited public school or the authorities in charge of
5 the nonpublic school accredited by the state board of education
6 for whose students the game night is to be held.

7 3. A gambling device intended for use or used as provided in
8 this section is exempt from the provisions of section 725.9,
9 subsection 2.

10 Sec. 47. REPEAL. Sections 99B.2, 99B.4, 99B.5, 99B.7,
11 99B.8, 99B.9A, 99B.10, 99B.16, and 99B.18, Code 2015, are
12 repealed.

13 Sec. 48. LICENSED QUALIFIED ORGANIZATION — INITIAL
14 ANNUAL REPORT. Notwithstanding any provision of section
15 99B.16A, subsection 3, to the contrary, the first annual
16 report submitted by a licensed qualified organization to the
17 department of inspections and appeals after July 1, 2015, shall
18 be submitted by January 31, 2017, and shall cover the period of
19 July 1, 2015, through December 31, 2016.

20 DIVISION II

21 COORDINATING AMENDMENTS

22 Sec. 49. Section 99.1A, unnumbered paragraph 2, Code 2015,
23 is amended to read as follows:

24 The provisions of this section do not apply to ~~games of~~
25 ~~skill, games of chance, or raffles~~ social and charitable
26 gambling conducted pursuant to chapter 99B or to devices lawful
27 under section ~~99B.10~~ 99B.52 or 99B.53.

28 Sec. 50. Section 99D.8, unnumbered paragraph 1, Code 2015,
29 is amended to read as follows:

30 A qualifying organization, as defined in section
31 513(d)(2)(C) of the Internal Revenue Code, as defined in
32 section 422.3, exempt from federal income taxation under
33 sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal
34 Revenue Code or a nonprofit corporation organized under the
35 laws of this state, whether or not it is exempt from federal

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1 income taxation, which is organized to ~~promote those purposes~~
2 ~~enumerated in section 99B.7, subsection 3, paragraph "b"~~
3 distribute funds for educational, civic, public, charitable,
4 patriotic, or religious uses, as defined in section 99B.1,
5 or which regularly conducts an agricultural and educational
6 fair or exposition for the promotion of the horse, dog, or
7 other livestock breeding industries of the state, or an agency,
8 instrumentality, or political subdivision of the state, may
9 apply to the commission for a license to conduct horse or dog
10 racing. The application shall be filed with the administrator
11 of the commission at least sixty days before the first day
12 of the horse race or dog race meeting which the organization
13 proposes to conduct, shall specify the day or days when and
14 the exact location where it proposes to conduct racing, and
15 shall be in a form and contain information as the commission
16 prescribes.

17 Sec. 51. Section 99F.5, subsection 1, Code 2015, is amended
18 to read as follows:

19 1. A qualified sponsoring organization may apply to the
20 commission for a license to conduct gambling games on an
21 excursion gambling boat or gambling structure as provided in
22 this chapter. A person may apply to the commission for a
23 license to operate an excursion gambling boat. An operating
24 agreement entered into on or after May 6, 2004, between
25 a qualified sponsoring organization and an operator of an
26 excursion gambling boat or gambling structure shall provide for
27 a minimum distribution by the qualified sponsoring organization
28 for educational, civic, public, charitable, patriotic, or
29 religious uses as defined in section ~~99B.7, subsection 3,~~
30 ~~paragraph "b"~~ 99B.1, that averages at least three percent
31 of the adjusted gross receipts for each license year. The
32 application shall be filed with the administrator of the
33 commission at least ninety days before the first day of the
34 next excursion season as determined by the commission, shall
35 identify the excursion gambling boat upon which gambling games

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1 will be authorized, shall specify the exact location where
2 the excursion gambling boat will be docked, and shall be in
3 a form and contain information as the commission prescribes.
4 The minimum capacity of an excursion gambling boat or gambling
5 structure is two hundred fifty persons.

6 Sec. 52. Section 99F.6, subsection 4, paragraph a,
7 subparagraph (2), Code 2015, is amended to read as follows:

8 (2) A qualified sponsoring organization licensed to operate
9 gambling games under this chapter shall distribute the receipts
10 of all gambling games, less reasonable expenses, charges,
11 taxes, fees, and deductions allowed under this chapter, as
12 winnings to players or participants or shall distribute the
13 receipts for educational, civic, public, charitable, patriotic,
14 or religious uses as defined in section ~~99B.7, subsection 3,~~
15 ~~paragraph "b"~~ 99B.1. However, a licensee to conduct gambling
16 games under this chapter shall, unless an operating agreement
17 for an excursion gambling boat otherwise provides, distribute
18 at least three percent of the adjusted gross receipts for
19 each license year for educational, civic, public, charitable,
20 patriotic, or religious uses as defined in section ~~99B.7,~~
21 ~~subsection 3, paragraph "b"~~ 99B.1. However, if a licensee
22 who is also licensed to conduct pari-mutuel wagering at a
23 horse racetrack has unpaid debt from the pari-mutuel racetrack
24 operations, the first receipts of the gambling games operated
25 within the racetrack enclosure less reasonable operating
26 expenses, taxes, and fees allowed under this chapter shall be
27 first used to pay the annual indebtedness.

28 Sec. 53. Section 331.304, subsection 2, Code 2015, is
29 amended by striking the subsection.

30 Sec. 54. Section 423.3, subsection 62, Code 2015, is amended
31 to read as follows:

32 62. The sales price from the sale of raffle tickets for a
33 raffle licensed and conducted at a fair pursuant to section
34 99B.5 99B.24.

35 Sec. 55. Section 805.8C, subsection 4, Code 2015, is amended

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1 to read as follows:

2 4. *Electrical ~~and~~ or mechanical amusement device violations.*

3 a. For violations of legal age for operating an electrical
4 ~~and~~ or mechanical amusement device required to be registered as
5 provided in section 99B.10, ~~subsection 1, paragraph "f"~~ 99B.53,
6 pursuant to section 99B.10C, subsection 1, the scheduled fine
7 is two hundred fifty dollars. Failure to pay the fine by a
8 person under the age of eighteen shall not result in the person
9 being detained in a secure facility.

10 b. For first offense violations concerning electrical ~~and~~
11 or mechanical amusement devices as provided in section ~~99B.10,~~
12 ~~subsection 3~~ 99B.54, subsection 2, the scheduled fine is two
13 hundred fifty dollars.

14 DIVISION III

15 CODE EDITOR DIRECTIVES

16 Sec. 56. CODE EDITOR DIRECTIVE.

17 1. The Code editor is directed to make the following
18 transfers:

- 19 a. Section 99B.3 to section 99B.31.
- 20 b. Section 99B.5A to section 99B.22.
- 21 c. Section 99B.6 to section 99B.43.
- 22 d. Section 99B.7A to section 99B.32.
- 23 e. Section 99B.7B to section 99B.27.
- 24 f. Section 99B.9 to section 99B.44.
- 25 g. Section 99B.10A to section 99B.56.
- 26 h. Section 99B.10B to section 99B.55.
- 27 i. Section 99B.10C to section 99B.57.
- 28 j. Section 99B.10D to section 99B.58.
- 29 k. Section 99B.11 to section 99B.61.
- 30 l. Section 99B.11A, as enacted in this Act, to section
31 99B.11.
- 32 m. Section 99B.12 to section 99B.45.
- 33 n. Section 99B.12A to section 99B.23.
- 34 o. Section 99B.12B, as enacted in this Act, to section
35 99B.12.

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- 1 p. Section 99B.13 to section 99B.2.
2 q. Section 99B.13A, as enacted in this Act, to section
3 99B.13.
4 r. Section 99B.14 to section 99B.3.
5 s. Section 99B.14A, as enacted in this Act, to section
6 99B.14.
7 t. Section 99B.15 to section 99B.4.
8 u. Section 99B.15A, as enacted in this Act, to section
9 99B.15.
10 v. Section 99B.16A, as enacted in this Act, to section
11 99B.16.
12 w. Section 99B.17 to section 99B.5.
13 x. Section 99B.19 to section 99B.6.
14 y. Section 99B.20 to section 99B.7.
15 z. Section 99B.21 to section 99B.8.
16 aa. Section 99B.21A, as enacted in this Act, to section
17 99B.21.
18 2. The Code editor is directed to create seven new
19 subchapters in chapter 99B as follows:
20 a. Subchapter I shall be entitled "general provisions" and
21 include sections 99B.1 through 99B.10.
22 b. Subchapter II shall be entitled "qualified
23 organizations" and include sections 99B.11 through 99B.20.
24 c. Subchapter III shall be entitled "charitable gambling"
25 and include sections 99B.21 through 99B.30.
26 d. Subchapter IV shall be entitled "other activities
27 requiring licensure" and include sections 99B.31 through
28 99B.40.
29 e. Subchapter V shall be entitled "social gambling" and
30 include sections 99B.41 through 99B.50.
31 f. Subchapter VI shall be entitled "electrical or
32 mechanical amusement devices" and include sections 99B.51
33 through 99B.60.
34 g. Subchapter VII shall be entitled "activities not
35 requiring licensure" and include sections 99B.61 and 99B.62.

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1 3. The Code editor may modify subchapter titles if necessary
2 and is directed to correct internal references in the Code as
3 necessary due to enactment of this section.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill provides for the reorganization and modification
8 of provisions in Code chapter 99B governing games of skill or
9 chance, and raffles.

10 DIVISION I — SOCIAL AND CHARITABLE GAMBLING PROVISIONS.

11 The bill makes a variety of changes to Code section 99B.1
12 (definitions). The bill eliminates definitions for
13 "authorized", "controlling shareholder", "eligible applicant",
14 "posted", and "unrelated entity". New definitions for
15 "build-up or pyramid", "calendar raffles", "casino-style
16 games", "gambling", "game nights", and "licensed charitable
17 organization" are added. In addition, current definitions
18 or descriptions in Code section 99B.7 for "qualified
19 organizations", "charitable uses", "educational, civic, public,
20 charitable, patriotic, or religious uses", and "public uses"
21 are moved to Code section 99B.1. Existing definitions in Code
22 section 99B.1 are also modified. The definition for "amusement
23 concession" is amended to reference the games authorized and
24 not the location of where the games are played. "Bingo" is
25 amended to allow symbols or pictures to be used in playing
26 bingo and "bingo occasion" is amended to specify when a bingo
27 occasion ends. "Merchandise" is amended to provide that it
28 includes goods or services bought or sold in the regular course
29 of business and that a gift card not redeemable for cash is
30 considered merchandise. Other definitions in Code section
31 99B.1 are moved and made applicable to a subchapter of the
32 reorganized Code chapter.

33 Code section 99B.3, concerning amusement concessions, is
34 amended. The Code section, consistent with the change in the
35 definition of amusement concession, focuses on the type of

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1 gambling activity allowed and eliminates existing locational
2 requirements for the activity. The Code section is amended
3 to increase the maximum value of prizes from \$50 to \$100 and
4 increases the maximum cost to play a game from \$3 to \$5. The
5 Code section is amended to specify what constitutes and does
6 not constitute allowable repurchase of prizes.

7 Code section 99B.4, providing for permitted locations of
8 amusement concessions, is repealed.

9 Code section 99B.5 (raffles conducted at a fair) is
10 repealed. The bill consolidates provisions governing raffles
11 in new Code section 99B.24.

12 Code section 99B.6 (games where liquor or beer is sold) is
13 rewritten by the bill. Restrictions on the locations where the
14 games may be conducted are unchanged and allowable games are
15 defined as social gambling but remain unchanged. Provisions
16 of existing Code section 99B.6 applicable to lawful social
17 gambling that may occur between individuals or in public places
18 in addition to locations where liquor or beer is sold are moved
19 to new Code section 99B.42.

20 Code section 99B.7 (games conducted by qualified
21 organizations) is repealed. Several provisions of the Code
22 section are moved and modified in new Code sections governing
23 qualified organization licensing as provided in the bill.

24 Code section 99B.7A (manufacturers and distributors of
25 bingo equipment and supplies — license) is amended to apply
26 to manufacturers and distributors of electronic raffle
27 systems. In addition, the amended Code section provides for
28 a single annual license for manufacturers and distributors of
29 \$1,000 instead of a \$1,000 manufacturers license and a \$500
30 distributor license.

31 Code section 99B.7B (card game tournaments conducted by
32 qualified organizations representing veterans) is amended to
33 provide that a qualified organization representing veterans
34 shall apply for a qualified organization license under new Code
35 section 99B.12B to conduct a card game tournament.

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1 Code section 99B.8 (annual game night) is repealed.
2 Provisions governing licensed and unlicensed game nights are
3 included in new Code sections 99B.26 and 99B.62.
4 Code section 99B.9 (gambling in public places) is rewritten
5 by the bill. Current provisions relative to the license fee
6 and the public places in which social gambling may be conducted
7 are unchanged. Provisions of existing Code section 99B.9
8 applicable to lawful social gambling that may occur between
9 individuals or where liquor or beer is sold are moved to new
10 Code section 99B.42.
11 Code section 99B.9A, concerning exceptions for qualified
12 organizations to conduct bingo in certain locations, is
13 repealed.
14 Code section 99B.10, concerning electrical and mechanical
15 amusement devices, is repealed. New Code sections 99B.52,
16 99B.53, and 99B.54, all governing electrical or mechanical
17 amusement devices, include provisions contained in current Code
18 section 99B.10.
19 Code section 99B.10A, concerning registration of electrical
20 and mechanical amusement device manufacturers, distributors,
21 and for-profit owners, is amended by eliminating specific
22 reference to a manufacturer's representation in the category of
23 persons required to be registered under this Code section.
24 Code section 99B.10B, is amended to allow service for
25 actions relative to denial, suspension, or revocation of a
26 registration of an electrical or mechanical amusement device by
27 means authorized by Code chapter 17A and to permit decisions
28 relative to these actions to be delivered by electronic mail.
29 Code sections 99B.10C and 99B.10D are amended to reflect
30 updated internal code references in Code chapter 99B.
31 Code section 99B.11, concerning bona fide contests, is
32 amended by providing categories that include current bona fide
33 contests and by then allowing contests that fit each of the
34 categories. The bill also allows, as an additional category,
35 trivia and trading card contests.

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1 New Code section 99B.11A provides definitions applicable
2 to qualified organizations and charitable gambling. New
3 definitions include "electronic bingo equipment" and several
4 categories of raffles based on the value of prizes that may be
5 awarded. The new raffle definitions are "large raffle", "small
6 raffle", "very large raffle", and "very small raffle".

7 Code section 99B.12 (games between individuals) is stricken
8 and rewritten. The changes primarily eliminate provisions
9 applicable to social gambling generally that are moved to new
10 Code section 99B.42.

11 New Code section 99B.12B provides for qualified organization
12 licenses. The Code section identifies provisions generally
13 applicable to all licenses issued to a qualified organization
14 and provides for the fees and applicable games that may be
15 conducted pursuant to a two-year, one-year, 180-day, 90-day,
16 and 14-day qualified organization license. Current provisions
17 in Code section 99B.7 relative to licenses for public and
18 nonpublic schools and for school districts are moved to this
19 new Code section.

20 New Code section 99B.13A provides for general requirements
21 applicable to any gambling conducted by a qualified
22 organization. The requirements include provisions on
23 displaying the license, where gambling activities under
24 the license may be conducted, participation in gambling
25 requirements, and game-specific requirements.

26 New Code section 99B.14A provides for the distribution of
27 proceeds by a licensed qualified organization. Most provisions
28 governing distribution of proceeds are moved from current Code
29 section 99B.7. However, the bill provides that reasonable
30 expenses that may be retained by a licensed qualified
31 organization shall not exceed 40 percent of net receipts.
32 Current law limits reasonable expenses to 25 percent of net
33 receipts.

34 Code section 99B.15, providing for the applicability of the
35 Code chapter and penalties, is stricken and rewritten. The

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1 Code section provides that a person who knowingly fails to
2 comply with the requirements of Code chapter 99B commits a
3 serious misdemeanor and that a person who intentionally files a
4 false or fraudulent report or application commits a fraudulent
5 practice under Code chapter 714.

6 New Code section 99B.15A provides general provisions
7 governing prizes awarded by a licensed charitable organization.
8 The Code section provides that merchandise prizes shall not
9 exceed \$10,000 and cash can only be awarded in bingo and
10 raffles.

11 Code section 99B.16, concerning the criminal penalty for a
12 willful failure to maintain or submit records, is repealed.
13 Criminal penalties relative to reports and applications are
14 moved to Code section 99B.15.

15 Code section 99B.16A provides for records and reports
16 required of licensed qualified organizations. The Code section
17 requires an annual report to be submitted by January 31 for the
18 prior calendar year. The bill provides that the initial annual
19 report shall be submitted by January 31, 2017, for the period
20 beginning July 1, 2015, and ending December 31, 2016.

21 Code section 99B.17, providing that gambling on credit is
22 unlawful and including an exception, is rewritten by the bill.
23 The rewritten Code section allows payment by check, electronic
24 check, debit card, or credit card for gambling activities
25 under Code chapter 99B, except that only cash payments are
26 allowed for social gambling, registered amusement devices, and
27 amusement concessions not at a permanent location.

28 Code section 99B.18 (company games) is repealed. Games
29 authorized under this Code section are moved to new Code
30 section 99B.62 governing unlicensed game nights.

31 New Code section 99B.21A establishes requirements for a
32 licensed qualified organization conducting bingo. The Code
33 section provides operational requirements, prize requirements
34 as an exception to the general prize requirements in new
35 Code section 99B.15A, equipment requirements, and accounting

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1 requirements. Most of the accounting requirements are moved
2 from Code section 99B.2 and other requirements are moved from
3 Code section 99B.7. As far as prizes, the new Code section
4 limits cash prizes and merchandise prizes to \$250 per game of
5 bingo instead of \$100 as currently provided in Code section
6 99B.7. For jackpot bingo games, the new Code section allows
7 the prize to start at no more \$500, instead of the current
8 \$300.

9 New Code section 99B.24 establishes requirements for a
10 licensed qualified organization conducting a raffle. The
11 Code section establishes operational requirements relative
12 to conducting a raffle and authorizes a licensed qualified
13 organization to conduct one very large raffle per year upon
14 submission of an additional fee. The bill defines "very large
15 raffle" as a raffle where the cumulative value of cash and
16 prizes is more than \$100,000 but not more than \$200,000 or
17 the prize is real property. The bill also allows a qualified
18 organization to conduct one very small raffle per calendar
19 year without a license and without adhering to the reporting
20 requirements of new Code section 99B.16A. A "very small
21 raffle" is defined in the bill as a raffle where the cumulative
22 value of the prize or prizes is \$1,000 or less and the value of
23 all entries sold is \$1,000 or less.

24 New Code section 99B.25 allows a licensed qualified
25 organization with a two-year license to conduct a raffle
26 using an electronic raffle system. The bill allows only one
27 electronic raffle per calendar day and specifies how the
28 raffle is to be conducted and the information necessary on an
29 electronic raffle receipt.

30 New Code section 99B.26 allows a licensed qualified
31 organization to conduct one game night per calendar year.
32 Current provisions specific to game nights conducted by a
33 licensed qualified organization in Code section 99B.8 are moved
34 to this new Code section. In addition, the expanded prize
35 authorization for certain qualified organizations, such as for

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1 veterans and voluntary emergency services providers, in current
2 Code section 99B.8, subsection 6, is made applicable to all
3 licensed qualified organizations.

4 New Code section 99B.41 provides definitions specific to
5 social gambling. The definition for "social games" is moved
6 from current Code section 99B.12, and the definition for
7 "sports betting pool" is moved from the definition of "pool"
8 in current Code section 99B.6.

9 New Code section 99B.42 provides general requirements
10 applicable to social gambling. Requirements in current Code
11 sections 99B.6, 99B.9, and 99B.12 that are applicable to social
12 gambling regardless of location are generally moved to this new
13 Code section.

14 New Code section 99B.51 includes definitions of
15 "distributor", "manufacturer", and "owner", for purposes of
16 electrical or mechanical amusement devices. The definitions
17 are moved from current Code section 99B.1. The definition
18 of "manufacturer" is also modified to include a person who
19 produces or purchases an originally produced motherboard.

20 New Code section 99B.52 provides general requirements
21 concerning all electrical or mechanical amusement devices.
22 Current provisions in Code section 99B.10, subsection 1,
23 paragraphs "a" through "d", "k", and "o" are moved to this new
24 Code section.

25 New Code section 99B.53 provides additional requirements for
26 electrical or mechanical amusement devices that are required
27 to be registered. Current provisions in Code section 99B.10,
28 subsection 1, governing amusement devices that are required to
29 be registered are moved to this new Code section.

30 New Code section 99B.54 establishes criminal penalties for
31 violations of provisions concerning electrical or mechanical
32 amusement devices. The criminal offenses are similar to
33 current provisions in Code section 99B.10, subsections 2
34 through 5.

35 New Code section 99B.62 allows game nights to be conducted

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1 without a license under certain circumstances. Current Code
2 section 99B.18, allowing company games, is moved to this new
3 Code section and is expanded to allow all persons to also hold
4 a casino night without a license subject to the requirements of
5 the new Code section. Current Code section 99B.8, subsection
6 4, concerning school game nights, is moved to this new Code
7 section.

8 DIVISION II — COORDINATING AMENDMENTS. Code section 99.1A,
9 concerning nuisances, is amended to refer to Code chapter 99B
10 as social and charitable gambling and to refer to amusement
11 devices as authorized by new Code sections 99B.52 and 99B.53.

12 Code section 99D.8, concerning qualified organization for
13 purposes of horse or dog racing licenses, is amended to provide
14 that the purposes of the organization shall be for educational,
15 civic, public, charitable, patriotic, or religious uses, as
16 defined in Code section 99B.1.

17 Code sections 99F.5 and 99F.6 are amended to provide that
18 the definition of "educational, civic, public, charitable,
19 patriotic, or religious uses" is located in Code section 99B.1.

20 Code section 331.304, concerning county powers, is amended
21 by striking the provision concerning the power to determine
22 locations of amusement concessions in accordance with current
23 Code section 99B.4 as Code section 99B.4 is repealed by the
24 bill.

25 Code section 423.3, subsection 62, concerning exemptions
26 from sales and use taxes, is amended to provide that the
27 exemption is for raffles licensed pursuant to new Code section
28 99B.24 and only conducted at a fair. Current law references
29 the current Code section, repealed in the bill, that limited
30 the exemption to raffles conducted at a fair.

31 Code section 805.8C, subsection 4, concerning scheduled
32 violations relating to amusement devices, is amended to correct
33 internal references to the applicable amusement device.

34 DIVISION III — CODE EDITOR DIRECTIVES. This division
35 directs the Code editor to transfer existing and new Code

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1 sections in Code chapter 99B. The division further directs the
2 Code editor to reorganize the Code chapter by creating seven
3 new subchapters, containing the transferred Code sections,
4 and entitled "general provisions", "qualified organizations",
5 "charitable gambling", "other activities requiring licensure",
6 "social gambling", "electrical or mechanical amusement
7 devices", and "activities not requiring licensure".



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House Study Bill 149 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

- 1 An Act relating to indemnification of peace officers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 80F.2 Indemnification of peace
2 officers.

3 1. For purposes of this section, "peace officer" means the
4 same as defined in section 801.4.

5 2. If a peace officer is prosecuted for a crime the
6 peace officer allegedly committed in the course of the peace
7 officer's performance of duties as a peace officer and the
8 charge is dismissed or the peace officer is found not guilty,
9 the state or governmental unit employing the peace officer
10 shall indemnify the peace officer for economic loss the peace
11 officer sustained as a result of the prosecution, including
12 the payment of attorney fees and costs incurred during the
13 prosecution and during the enforcement of this section.

14 3. A peace officer may bring an action in district court
15 against the state or governmental unit employing the peace
16 officer to enforce the provisions of this section.

17 Sec. 2. REPEAL. Section 80.37, Code 2015, is repealed.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to the indemnification of a peace officer
22 who is charged with a crime allegedly committed during the
23 performance of duties if the charges are dismissed or the peace
24 officer is found not guilty.

25 The bill defines "peace officer" as a sheriff and sheriff's
26 regular deputy who is subject to mandated law enforcement
27 training, marshal and police officer of a city, peace officer
28 member of the department of public safety as defined in Code
29 chapter 80, parole officer acting pursuant to Code section
30 906.2, probation officer acting pursuant to Code sections
31 602.7202(4) and 907.2, peace officer employed by board of
32 regents institutions as set forth in Code section 262.13,
33 conservation officer as authorized by Code section 456A.13,
34 employee of the department of transportation designated as
35 a peace officer by resolution of the department under Code

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1 section 321.477, employee of an aviation authority designated
2 as a peace officer by the authority under Code section
3 330A.8(16), and such person as may be otherwise so designated
4 by law.

5 The bill provides that if a peace officer is prosecuted for
6 a crime the peace officer allegedly committed in the course of
7 the peace officer's performance of duties as a peace officer
8 and the charge is dismissed or the peace officer is found not
9 guilty, the state or governmental unit employing the peace
10 officer shall indemnify the peace officer for economic loss
11 the peace officer sustained as a result of the prosecution and
12 enforcement of the bill, including the payment of attorney fees
13 and costs. The bill further provides that a peace officer
14 may bring an action against the state or governmental unit
15 employing the peace officer to enforce the provisions of the
16 bill.

17 The bill repeals Code section 80.37. Code section 80.37
18 provides that a peace officer employed by the department of
19 public safety, who is charged with a crime based on an act
20 or omission within the scope of the officer's lawful duty
21 and against whom the charges are dismissed or the officer
22 is acquitted, shall be reimbursed for costs incurred in
23 defending the charge if the court finds that the charge was
24 without probable cause, filed for malicious purposes, or was
25 unwarranted in consideration of the circumstances.



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House Study Bill 150 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act creating a disaster case management grant fund and
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 29C.20B, Code 2015, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **29C.20B Disaster case management grant fund and program.**

5 1. *a.* A disaster case management grant fund is created
6 in the state treasury for the use of the executive council.
7 Moneys in the fund may be expended following the governor's
8 proclamation of a state of disaster emergency or the
9 declaration of a major disaster by the president of the United
10 States.

11 *b.* The executive council may make financial grants to meet
12 disaster-related case management needs of disaster-affected
13 individuals. The aggregate total of grants awarded shall
14 not be more than one million dollars during a fiscal year.
15 However, within the same fiscal year, additional funds may
16 be specifically authorized by the executive council to meet
17 additional needs. Of the one million dollar aggregate total,
18 fifty thousand dollars may be expended for contract entity
19 staff support, and fifty thousand dollars may be expended for
20 case management training and continuing training.

21 *c.* The department of human services shall work with the
22 department of homeland security and emergency management
23 and, as selected by the department of human services, a
24 representative of nonprofit, voluntary, and faith-based
25 organizations active in disaster recovery and response to
26 establish a statewide system of disaster case management
27 to be activated following the governor's proclamation of a
28 disaster emergency or the declaration of a major disaster by
29 the president of the United States for individual assistance
30 purposes.

31 2. The department of human services shall administer
32 disaster case management grants. The department of human
33 services, in conjunction with the department of homeland
34 security and emergency management, shall establish a disaster
35 case management program and adopt rules pursuant to chapter 17A

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1 necessary to administer the program. The executive council
2 shall use grant moneys to reimburse the department of human
3 services for actual expenses associated with the administration
4 of the grants. Under the program, the department of human
5 services shall coordinate case management services locally
6 through one or more contracted entities. The department
7 of human services may implement an ongoing contract with a
8 provider of a statewide program with local offices throughout
9 the state to serve as the local administrative entity for the
10 grant program to allow implementation of the program with
11 minimal delay following a governor's proclamation of a state of
12 disaster emergency or a declaration of a major disaster by the
13 president of the United States.

14 3. The department of human services, in conjunction with the
15 department of homeland security and emergency management and a
16 representative of the Iowa voluntary organizations active in
17 disaster, shall adopt rules pursuant to chapter 17A to create
18 coordination mechanisms and standards for the establishment
19 and implementation of a statewide system of disaster case
20 management. The rules adopted by the department of human
21 services for the program shall include but are not limited to
22 all of the following:

23 a. If a local administrative entity is under contract with
24 the state to provide other services or is implementing a state
25 or federal program and the contract contains a sufficient
26 surety bond or other adequate financial responsibility
27 provisions, the department shall accept the existing surety
28 bond or financial responsibility provisions in lieu of applying
29 a new or additional surety bond or financial responsibility
30 requirement.

31 b. Authorization for the local administrative entity to draw
32 down grant funding to pay valid claims on at least a weekly
33 basis.

34 c. Disaster case management standards.

35 d. Disaster case management policies.

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- 1 *e.* Reporting requirements.
2 *f.* Eligibility criteria.
3 *g.* Coordination mechanisms necessary to carry out the
4 services provided.
5 *h.* Development of formal working relationships with agencies
6 and creation of interagency agreements for those considered to
7 provide disaster case management services.
8 *i.* Establishment of nonduplication of benefits policies and
9 mechanisms for the exchange of information between agencies to
10 ensure compliance with the federal Health Insurance Portability
11 and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
12 1936 (1996).
13 *j.* Referral to all known available services for individuals
14 from multiple agencies in coordinated service locations.
15 4. By January 1 of each year, the department of human
16 services shall submit an annual written report to the
17 legislative fiscal committee and the general assembly's
18 standing committees on government oversight concerning the
19 activities of the grant program during the previous fiscal
20 year.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill creates a disaster case management grant fund and
25 program.

26 The bill replaces provisions relating to disaster case
27 management with a disaster case management fund. Moneys in the
28 fund may be used by the executive council and may be expended
29 following the governor's proclamation of a state of disaster
30 emergency or the declaration of a major disaster by the
31 president of the United States. The bill allows the executive
32 council to make financial grants to meet disaster-related
33 case management needs of disaster-affected individuals. The
34 aggregate total of grants awarded shall not be more than \$1
35 million during a fiscal year; however, within the same fiscal

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1 year, additional funds may be specifically authorized by the
2 executive council to meet additional needs. Of the \$1 million
3 aggregate total, \$50,000 may be expended for contract entity
4 staff support, and \$50,000 may be expended for case management
5 training and continuing training.

6 The bill requires the department of human services to
7 work with the department of homeland security and emergency
8 management and, as selected by the department of human
9 services, a representative of nonprofit, voluntary, and
10 faith-based organizations active in disaster recovery
11 and response to establish a statewide system of disaster
12 case management to be activated following the governor's
13 proclamation of a disaster emergency or the declaration of
14 a major disaster by the president of the United States for
15 individual assistance purposes.

16 The bill requires the department of human services to
17 administer the disaster case management grants. The bill
18 requires the department of human services, in conjunction with
19 the department of homeland security and emergency management,
20 to establish an Iowa disaster case management program and adopt
21 rules pursuant to Code chapter 17A necessary to administer
22 the program. The executive council shall use grant moneys to
23 reimburse the department of human services for actual expenses
24 associated with the administration of the grants. Under the
25 program, the bill requires the department of human services
26 to coordinate case management services locally through one or
27 more contracted entities. The department of human services may
28 implement an ongoing contract with a provider of a statewide
29 program with local offices throughout the state to serve as
30 the local administrative entity for the grant program to allow
31 implementation of the program with minimal delay following a
32 governor's proclamation of a state of disaster emergency or a
33 declaration of a major disaster by the president of the United
34 States.

35 The bill requires the department of human services, in

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1 conjunction with the department of homeland security and
2 emergency management and a representative of the Iowa voluntary
3 organizations active in disaster, to adopt rules pursuant
4 to Code chapter 17A to create coordination mechanisms and
5 standards for the establishment and implementation of a
6 statewide system of disaster case management.
7 The bill includes an annual reporting requirement.



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Senate File 241 - Introduced

SENATE FILE 241
BY JOHNSON

A BILL FOR

1 An Act relating to lighted lamps on bicycles.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2326XS (1) 86
ns/nh



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1 Section 1. Section 321.397, Code 2015, is amended to read
2 as follows:

3 **321.397 Lamps on bicycles.**

4 Every bicycle shall be equipped with a lamp on the front
5 exhibiting a white light, at the times specified in section
6 321.384, visible from a distance of at least three hundred feet
7 to the front and with a lamp on the rear exhibiting a red light
8 visible from a distance of three hundred feet to the rear;
9 ~~except that a red reflector may be used in lieu of a rear light.~~
10 A peace officer riding a police bicycle is not required to use
11 either front or rear lamps if duty so requires.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Current law provides that a bicycle shall have a front
16 lighted lamp and either a rear lighted lamp or a rear reflector
17 at any time from sunset to sunrise, and at such other times
18 when conditions such as fog, snow, sleet, or rain provide
19 insufficient lighting to render clearly discernible persons and
20 vehicles on the highway at a distance of 500 feet ahead.

21 This bill provides that a bicycle shall have a rear lighted
22 lamp during the stated periods of time, and may not use a rear
23 reflector in lieu of the rear lighted lamp. The scheduled fine
24 for violating this provision is \$25.



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Senate File 242 - Introduced

SENATE FILE 242
BY BOLKCOM

A BILL FOR

1 An Act relating to solar energy purchase requirements
2 applicable to certain electric utilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1981XS (1) 86
rn/nh



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1 Section 1. Section 476.44, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. a. (1) An electric utility subject to this subchapter,
4 except a utility that elects rate regulation pursuant to
5 section 476.1A, shall ~~not~~ be required, by January 1, 2020,
6 to own or purchase, ~~at any one time, more than~~ its share of
7 one hundred five megawatts of power from ~~alternative energy~~
8 ~~production facilities or small hydro~~ solar energy facilities
9 located in this state at the rates established pursuant to
10 section 476.43. The board shall allocate the one hundred five
11 megawatts based upon each utility's percentage of the total
12 Iowa retail peak demand, for the year beginning January 1, ~~1990~~
13 2015, of all utilities subject to this section. If a utility
14 undergoes reorganization as defined in section 476.76, the
15 board shall combine the allocated purchases of power for each
16 utility involved in the reorganization.

17 (2) In satisfying the solar energy ownership or purchase
18 requirements pursuant to subparagraph (1), a minimum of ten
19 percent of the energy produced or purchased shall be produced
20 by or purchased from solar energy facilities with a nameplate
21 generating capacity of twenty kilowatts or less.

22 b. Notwithstanding the one hundred five megawatt ~~maximum~~
23 requirement, the board may increase the amount of ~~power~~ solar
24 energy that a utility is required to own or purchase at the
25 rates established pursuant to section 476.43 if the board
26 finds that a utility, including a reorganized utility, exceeds
27 its ~~1990~~ 2015 Iowa retail peak demand by twenty percent and
28 the additional ~~power~~ solar energy the utility is required to
29 purchase will encourage the development of ~~alternate energy~~
30 ~~production facilities and small hydro~~ solar energy facilities.
31 The increase shall not exceed the utility's increase in peak
32 demand multiplied by the ratio of the utility's share of the
33 one hundred five megawatt ~~maximum~~ requirement to its ~~1990~~ 2015
34 Iowa retail peak demand.

35

EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill specifies solar energy purchase requirements
4 applicable to electric public utilities.

5 Currently, electric utilities are required to own alternate
6 energy production facilities or small hydro facilities located
7 in Iowa, or to enter into long-term contracts to purchase or
8 wheel electricity from such facilities. Alternate energy
9 production facilities are defined in Code section 476.42
10 to include solar, wind turbine, waste management, resource
11 recovery, refuse-derived fuel, agricultural crops or residues,
12 or woodburning facilities.

13 There is a limitation on the amount of electricity required
14 to be produced by a facility which is owned by an electric
15 utility, or purchased or wheeled from an alternate energy
16 production facility or small hydro facility. An electric
17 utility is not required to own or purchase, at any one time,
18 more than its share of 105 megawatts of power from alternate
19 energy production facilities or small hydro facilities.

20 The bill modifies the 105 megawatt purchase requirement
21 and limitation to make it applicable strictly to solar energy
22 derived from solar energy facilities in this state. The 105
23 megawatt solar energy ownership or purchase requirements must
24 be attained by January 1, 2020. The bill provides that out of
25 this amount, a minimum of 10 percent of the energy produced
26 or purchased shall be produced by or purchased from solar
27 energy facilities with a nameplate generating capacity of
28 20 kilowatts or less. The bill makes conforming changes to
29 related provisions.



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Senate File 243 - Introduced

SENATE FILE 243
BY BOLKCOM

A BILL FOR

1 An Act removing the exemption for farm houses from county
2 building codes and county zoning regulations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2011XS (2) 86
aw/sc



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1 Section 1. Section 331.304, subsection 3, paragraph b, Code
2 2015, is amended to read as follows:

3 b. A county building code shall not apply to ~~farm houses~~
4 ~~or other~~ farm buildings which, except dwellings, that are
5 primarily adapted for use for agricultural purposes, while so
6 used or under construction for that use.

7 Sec. 2. Section 335.2, Code 2015, is amended to read as
8 follows:

9 **335.2 Farms exempt.**

10 Except to the extent required to implement section 335.27,
11 ~~no~~ an ordinance adopted under this chapter ~~applies~~ shall not
12 apply to land, ~~farm houses~~, farm barns, farm outbuildings or
13 other buildings or structures which, except dwellings, that are
14 primarily adapted, by reason of nature and area, for use for
15 agricultural purposes, while so used. However, the ordinances
16 may apply to any structure, building, dam, obstruction,
17 deposit, or excavation in or on the flood plains of any river
18 or stream.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 Current law provides for farm house exemptions from county
23 building codes and county zoning regulations. The bill removes
24 these exemptions for farm houses while maintaining similar
25 exemptions for other agricultural structures that are not
26 dwellings.

27 Pursuant to Code section 414.23, the changes in the bill to
28 the county zoning exemption for farm houses apply to a city
29 extending city zoning regulations to the unincorporated area
30 of a county up to two miles beyond the limits of such city, as
31 authorized by statute.



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Senate File 244 - Introduced

SENATE FILE 244
BY JOCHUM

A BILL FOR

1 An Act allowing taxpayers to transfer certain tax credits to
2 qualifying beginning farmers, and including effective date
3 and retroactive and other applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 FORMER AGRICULTURAL ASSETS TRANSFER TAX CREDIT

3 Section 1. TRANSFER.

4 1. a. For any tax year commencing in calendar years
5 2008 through 2012, for which an agricultural assets transfer
6 tax credit under former section 175.37, as described in this
7 division of this Act, was first issued, awarded, or allowed
8 to a taxpayer because the taxpayer executed an agricultural
9 assets transfer agreement with a qualified beginning farmer,
10 the taxpayer may transfer such tax credit to the qualified
11 beginning farmer. The tax credit shall equal the amount of tax
12 credit that would otherwise remain eligible to be credited to
13 the future tax liability of the taxpayer.

14 b. A taxpayer who has already claimed the tax credit
15 and surrendered the agricultural assets transfer tax credit
16 certificate to the department of revenue, but who is intending
17 to transfer the remaining carryforward tax credit amount to
18 a qualified beginning farmer, shall apply to the department
19 for a substitute tax credit certificate in the manner and form
20 prescribed by the department.

21 2. a. Within ninety days of the transfer, the qualified
22 beginning farmer shall submit the transferred tax credit
23 certificate as provided in former section 175.37, or the
24 transferred substitute tax credit certificate, as provided
25 in subsection 1, to the department of revenue along with a
26 statement containing the qualified beginning farmer's name, tax
27 identification number, and address, the denomination that each
28 replacement tax credit certificate is to carry, and any other
29 information required by the department.

30 b. Within thirty days of receiving the transferred tax
31 credit certificate and the qualified beginning farmer's
32 statement as provided in paragraph "a", the department
33 of revenue shall issue one or more replacement tax credit
34 certificates to the qualified beginning farmer. Each
35 replacement tax credit certificate shall contain the same type

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1 of information required for the original tax credit certificate
2 and shall have the same expiration date that appeared on the
3 transferred tax credit certificate.

4 3. A tax credit shall not be claimed by a qualified
5 beginning farmer until a replacement tax credit certificate
6 identifying the qualified beginning farmer as the proper holder
7 has been issued. The qualified beginning farmer may use the
8 amount of the tax credit transferred against the taxes imposed
9 in chapter 422, divisions II and III, for any future tax year
10 the taxpayer could have claimed the tax credit under former
11 section 175.37. Any consideration received for the transfer of
12 the tax credit shall not be included as income under chapter
13 422, divisions II and III. Any consideration paid for the
14 transfer of the tax credit shall not be deducted from income
15 under chapter 422, divisions II and III.

16 Sec. 2. APPLICABILITY. This division of this Act applies
17 to section 175.37 as enacted in 2006 Iowa Acts, chapter 1161,
18 section 2, including any subsequent amendments to that section,
19 notwithstanding any of the following:

20 1. The repeal of any amendments to section 175.37 as
21 provided in 2013 Iowa Acts, chapter 125, section 25, subsection
22 1.

23 2. The directive to strike future amendments to the section,
24 as provided in 2013 Iowa Acts, chapter 125, section 25,
25 subsection 3.

26 3. The repeal of chapter 175 as provided in 2014 Iowa Acts,
27 chapter 1080, section 112.

28 Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this
29 Act, being deemed of immediate importance, takes effect upon
30 enactment.

31 Sec. 4. RETROACTIVE APPLICABILITY. For purposes of
32 allowing the transfer to qualified beginning farmers of
33 agricultural assets transfer tax credits, this division of this
34 Act applies retroactively to such tax credits first issued,
35 awarded, or allowed for any tax year commencing in calendar

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1 years 2008 through 2012, for transfer to qualified beginning
2 farmers for tax years beginning on or after January 1, 2015.

3 DIVISION II

4 FORMER CUSTOM FARMING CONTRACT TAX CREDIT

5 Sec. 5. TRANSFER.

6 1. a. For any tax year commencing in calendar year 2013
7 or 2014, for which a custom farming contract tax credit under
8 former section 175.38, as described in this division of this
9 Act, was first issued, awarded, or allowed to a taxpayer
10 because the taxpayer executed a custom farming contract with a
11 qualified beginning farmer, the taxpayer may transfer such tax
12 credit to the qualified beginning farmer. The tax credit shall
13 equal the tax credit that would otherwise remain eligible to be
14 credited to the future tax liability of the taxpayer.

15 b. A taxpayer who has already claimed the tax credit
16 and surrendered the custom farming contract tax credit
17 certificate to the department of revenue, but who is intending
18 to transfer the remaining carryforward tax credit amount to
19 a qualified beginning farmer, shall apply to the department
20 for a substitute tax credit certificate in the manner and form
21 prescribed by the department.

22 2. a. Within ninety days of the transfer, the qualified
23 beginning farmer shall submit the transferred tax credit
24 certificate as provided in former section 175.38, or the
25 transferred substitute tax credit certificate as provided
26 in subsection 1, to the department of revenue along with a
27 statement containing the qualified beginning farmer's name, tax
28 identification number, and address, the denomination that each
29 replacement tax credit certificate is to carry, and any other
30 information required by the department.

31 b. Within thirty days of receiving the transferred tax
32 credit certificate and the qualified beginning farmer's
33 statement as provided in paragraph "a", the department
34 of revenue shall issue one or more replacement tax credit
35 certificates to the qualified beginning farmer. Each

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1 replacement tax credit certificate shall contain the same type
2 of information required for the original tax credit certificate
3 and shall have the same expiration date that appeared on the
4 transferred tax credit certificate.

5 3. A tax credit shall not be claimed by a qualified
6 beginning farmer until a replacement tax credit certificate
7 identifying the qualified beginning farmer as the proper holder
8 has been issued. The qualified beginning farmer may use the
9 amount of the tax credit transferred against the taxes imposed
10 in chapter 422, divisions II and III, for any future tax year
11 the taxpayer could have claimed the tax credit under former
12 section 175.38. Any consideration received for the transfer of
13 the tax credit shall not be included as income under chapter
14 422, divisions II and III. Any consideration paid for the
15 transfer of the tax credit shall not be deducted from income
16 under chapter 422, divisions II and III.

17 Sec. 6. APPLICABILITY. This division of this Act applies
18 to section 175.38 as enacted in 2013 Iowa Acts, chapter
19 125, section 18, including any subsequent amendments to that
20 section, notwithstanding any of the following:

21 1. The repeal of section 175.38 as provided in 2013 Iowa
22 Acts, chapter 125, section 25, subsection 2.

23 2. The directive to strike future amendments to section
24 175.38, as provided in 2013 Iowa Acts, chapter 125, section 25,
25 subsection 3.

26 3. The repeal of chapter 175 as provided in 2014 Iowa Acts,
27 chapter 1080, section 112.

28 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
29 Act, being deemed of immediate importance, takes effect upon
30 enactment.

31 Sec. 8. RETROACTIVE APPLICABILITY. For purposes of
32 allowing the transfer to qualified beginning farmers of custom
33 farming contract tax credits, this division of this Act applies
34 retroactively to such tax credits first issued, awarded, or
35 allowed for any tax year commencing in calendar years 2013

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1 through 2017, for transfer to qualified beginning farmers for
2 tax years beginning on or after January 1, 2015.

3 DIVISION III
4 CURRENT VERSION OF THE AGRICULTURAL ASSETS TRANSFER TAX CREDIT
5 TO BE REPLACED

6 Sec. 9. Section 16.80, subsection 6, Code 2015, is amended
7 to read as follows:

8 6. A tax credit in excess of the taxpayer's liability
9 for the tax year may be credited to the tax liability for
10 the following ten tax years or until depleted, whichever is
11 earlier. A tax credit shall not be carried back to a tax year
12 prior to the tax year in which the taxpayer redeems the tax
13 credit. ~~A tax credit shall not be transferable to any other~~
14 ~~person other than the taxpayer's estate or trust upon the~~
15 ~~taxpayer's death.~~

16 Sec. 10. Section 16.80, Code 2015, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6A. A tax credit shall not be transferable
19 to any person other than one of the following:

20 a. The taxpayer's estate or trust upon the taxpayer's death.

21 b. The qualified beginning farmer who is the other party
22 to the agricultural assets transfer agreement. The tax credit
23 shall equal the amount of the tax credit that would otherwise
24 remain eligible to be credited to the future tax liability of
25 the taxpayer.

26 (1) (a) A taxpayer who has already claimed the tax credit
27 and surrendered the agricultural assets transfer tax credit
28 certificate to the department of revenue, but who is intending
29 to transfer the remaining carryforward tax credit amount to
30 a qualified beginning farmer, shall apply to the department
31 for a substitute tax credit certificate in the manner and form
32 prescribed by the department.

33 (b) Subparagraph division (a) does not apply if the
34 department provides for the transfer of the tax credit by
35 another method including by recording the transfer information

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1 on the original tax certificate.

2 (2) (a) Within ninety days of the transfer, the qualified
3 beginning farmer shall submit the transferred tax credit
4 certificate, or the transferred substitute tax credit
5 certificate as provided in subparagraph (1), to the department
6 of revenue along with a statement containing the qualified
7 beginning farmer's name, tax identification number, and
8 address, the denomination that each replacement tax credit
9 certificate is to carry, and any other information required by
10 the department.

11 (b) Within thirty days of receiving the transferred tax
12 credit certificate and the qualified beginning farmer's
13 statement as provided in subparagraph division (a), the
14 department of revenue shall issue one or more replacement
15 tax credit certificates to the qualified beginning farmer.
16 Each replacement tax credit certificate shall contain the
17 information required for the original tax credit certificate
18 and shall have the same expiration date that appeared on the
19 transferred tax credit certificate.

20 (3) A tax credit shall not be claimed by a qualified
21 beginning farmer until a replacement tax credit certificate
22 identifying the qualified beginning farmer as the proper
23 holder has been issued. The qualified beginning farmer may
24 use the amount of the tax credit transferred against the taxes
25 imposed in chapter 422, divisions II and III, for any future
26 tax year the taxpayer could have claimed the tax credit. Any
27 consideration received for the transfer of the tax credit shall
28 not be included as income under chapter 422, divisions II and
29 III. Any consideration paid for the transfer of the tax credit
30 shall not be deducted from income under chapter 422, divisions
31 II and III.

32 Sec. 11. APPLICABILITY. This division of this Act applies
33 to section 16.80 as enacted in 2014 Iowa Acts, chapter 1080,
34 section 60, as amended in 2014 Iowa Acts, chapter 1112, section
35 8, and as amended in this division of this Act, for any tax year

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1 commencing in calendar years 2015 through 2017, notwithstanding
2 any of the following:

3 1. The amendment striking section 16.80 as provided in 2014
4 Iowa Acts, chapter 1080, section 122.

5 2. The directive to strike future amendments to section
6 16.80, as provided in 2014 Iowa Acts, chapter 1080, section
7 123.

8 Sec. 12. EFFECTIVE UPON ENACTMENT. This division of this
9 Act, being deemed of immediate importance, takes effect upon
10 enactment.

11 Sec. 13. RETROACTIVE APPLICABILITY. This division of this
12 Act applies retroactively to January 1, 2015, for tax years
13 beginning on or after that date.

14 DIVISION IV

15 CURRENT VERSION OF THE CUSTOM FARMING CONTRACT TAX CREDIT

16 Sec. 14. Section 16.81, subsection 9, Code 2015, is amended
17 to read as follows:

18 9. A custom farming contract tax credit in excess of the
19 taxpayer's liability for the tax year may be credited to
20 the tax liability for the following ten tax years or until
21 depleted, whichever is earlier. A tax credit shall not be
22 carried back to a tax year prior to the tax year in which the
23 taxpayer redeems the tax credit. ~~A tax credit shall not be~~
24 ~~transferable to any other person other than the taxpayer's~~
25 ~~estate or trust upon the taxpayer's death.~~

26 Sec. 15. Section 16.81, Code 2015, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 9A. A tax credit shall not be transferable
29 to any person other than one of the following:

30 a. The taxpayer's estate or trust upon the taxpayer's death.

31 b. The qualified beginning farmer who is the other party to
32 the custom farming contract. The tax credit shall equal the
33 amount of the tax credit that would otherwise remain eligible
34 to be credited to the future tax liability of the taxpayer.

35 (1) (a) A taxpayer who has already claimed the tax

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1 credit and surrendered the custom farming contract tax credit
2 certificate to the department of revenue, but who is intending
3 to transfer the remaining carryforward tax credit amount to
4 a qualified beginning farmer, shall apply to the department
5 for a substitute tax credit certificate in the manner and form
6 prescribed by the department.

7 (b) Subparagraph division (a) does not apply if the
8 department provides for the transfer of the tax credit by
9 another method including by recording the transfer on the
10 original tax credit certificate.

11 (2) (a) Within ninety days of the transfer, the qualified
12 beginning farmer shall submit the transferred tax credit
13 certificate, or the transferred substitute tax credit
14 certificate as provided in subparagraph (1), to the department
15 of revenue along with a statement containing the qualified
16 beginning farmer's name, tax identification number, and
17 address, the denomination that each replacement tax credit
18 certificate is to carry, and any other information required by
19 the department.

20 (b) Within thirty days of receiving the transferred tax
21 credit certificate and the qualified beginning farmer's
22 statement as provided in subparagraph division (a), the
23 department of revenue shall issue one or more replacement tax
24 credit certificates to the qualified beginning farmer. Each
25 replacement tax credit certificate shall contain the same type
26 of information required for the original tax credit certificate
27 and shall have the same expiration date that appeared on the
28 transferred tax credit certificate.

29 (3) A tax credit shall not be claimed by a qualified
30 beginning farmer until a replacement tax credit certificate
31 identifying the qualified beginning farmer as the proper
32 holder has been issued. The qualified beginning farmer may
33 use the amount of the tax credit transferred against the taxes
34 imposed in chapter 422, divisions II and III, for any future
35 tax year the taxpayer could have claimed the tax credit. Any

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1 consideration received for the transfer of the tax credit shall
2 not be included as income under chapter 422, divisions II and
3 III. Any consideration paid for the transfer of the tax credit
4 shall not be deducted from income under chapter 422, divisions
5 II and III.

6 Sec. 16. APPLICABILITY. This division of this Act applies
7 to section 16.81 as enacted in 2014 Iowa Acts, chapter 1080,
8 section 61, as amended in 2014 Iowa Acts, chapter 1112,
9 section 17, and as amended in this division of this Act, for
10 any tax year commencing in calendar years 2015 through 2017,
11 notwithstanding the repeal of section 16.81 as provided in 2014
12 Iowa Acts, chapter 1080, section 120.

13 Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this
14 Act, being deemed of immediate importance, takes effect upon
15 enactment.

16 Sec. 18. RETROACTIVE APPLICABILITY. This division of this
17 Act applies retroactively to January 1, 2015, for tax years
18 beginning on or after that date.

19 DIVISION V

20 FUTURE VERSION OF CURRENT VERSION OF THE AGRICULTURAL ASSETS
21 TRANSFER TAX CREDIT

22 Sec. 19. Section 16.80, subsection 7, as amended by 2014
23 Iowa Acts, chapter 1080, section 122, as amended by 2014 Iowa
24 Acts, chapter 1112, section 14, is amended to read as follows:

25 7. A tax credit in excess of the taxpayer's liability
26 for the tax year may be credited to the tax liability for
27 the following ten tax years or until depleted, whichever is
28 earlier. A tax credit shall not be carried back to a tax year
29 prior to the tax year in which the taxpayer redeems the tax
30 credit. ~~A tax credit shall not be transferable to any other~~
31 ~~person other than the taxpayer's estate or trust upon the~~
32 ~~taxpayer's death.~~

33 Sec. 20. Section 16.80, as amended by 2014 Iowa Acts,
34 chapter 1080, section 122, as amended by 2014 Iowa Acts,
35 chapter 1112, section 14, is amended by adding the following

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1 new subsection:

2 NEW SUBSECTION. 7A. A tax credit shall not be transferable
3 to any person other than one of the following:

4 a. The taxpayer's estate or trust upon the taxpayer's death.

5 b. The qualified beginning farmer who is the other party
6 to the agricultural assets transfer agreement. The tax credit
7 shall equal the tax credit that would otherwise remain eligible
8 to be credited to the future liability of the taxpayer.

9 (1) (a) A taxpayer who has already claimed the tax credit
10 and surrendered the agricultural assets transfer tax credit
11 certificate to the department of revenue, but who is intending
12 to transfer the remaining carryforward tax credit amount to
13 a qualified beginning farmer, shall apply to the department
14 for a substitute tax credit certificate in the manner and form
15 prescribed by the department.

16 (b) Subparagraph division (a) does not apply if the
17 department provides for the transfer of the tax credit by
18 another method, including by recording the transfer information
19 on the original tax certificate.

20 (2) (a) Within ninety days of the transfer, the qualified
21 beginning farmer shall submit the transferred tax credit
22 certificate, or the transferred substitute tax credit
23 certificate as provided in subparagraph (1), to the department
24 of revenue along with a statement containing the qualified
25 beginning farmer's name, tax identification number, and
26 address, the denomination that each replacement tax credit
27 certificate is to carry, and any other information required by
28 the department.

29 (b) Within thirty days of receiving the transferred tax
30 credit certificate and the qualified beginning farmer's
31 statement as provided in subparagraph division (a), the
32 department of revenue shall issue one or more replacement tax
33 credit certificates to the qualified beginning farmer. Each
34 replacement tax credit certificate shall contain the same type
35 of information required for the original tax credit certificate

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1 and shall have the same expiration date that appeared on the
2 transferred tax credit certificate.

3 (3) A tax credit shall not be claimed by a qualified
4 beginning farmer until a replacement tax credit certificate
5 identifying the qualified beginning farmer as the proper
6 holder has been issued. The qualified beginning farmer may
7 use the amount of the tax credit transferred against the taxes
8 imposed in chapter 422, divisions II and III, for any future
9 tax year the taxpayer could have claimed the tax credit. Any
10 consideration received for the transfer of the tax credit shall
11 not be included as income under chapter 422, divisions II and
12 III. Any consideration paid for the transfer of the tax credit
13 shall not be deducted from income under chapter 422, divisions
14 II and III.

15 Sec. 21. EFFECTIVE UPON ENACTMENT. This division of this
16 Act, being deemed of immediate importance, takes effect January
17 1, 2018.

18 Sec. 22. FUTURE APPLICABILITY. This division of this Act
19 applies on and after January 1, 2018, for tax years beginning
20 on or after that date.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 GENERAL. This bill provides that a taxpayer who
25 participates in the beginning farmer tax credit program
26 (program) may transfer any unexpended and nondepleted
27 portion of a tax credit to a qualified beginning farmer who
28 participates in the program. The program is administered by
29 the agricultural development division created within the Iowa
30 finance authority (authority). The purpose of the program
31 is to assist a qualified beginning farmer to acquire or use
32 agricultural assets (e.g., agricultural land or improvements)
33 from a taxpayer (owner). The qualified beginning farmer and
34 owner must be parties to either a lease or rental agreement
35 in which the beginning farmer pays an amount to the owner or

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1 a custom farming contract in which the owner pays an amount
2 to the beginning farmer. The tax credit equals a percentage
3 of that payment and allows the owner to carry forward the
4 tax credit amount for 10 years. Currently, the tax credit
5 cannot be transferred except to the owner's estate or trust
6 upon death. The bill places a number of restrictions upon a
7 transfer to a qualified beginning farmer, including procedures
8 for being issued a replacement tax credit certificate to the
9 qualified beginning farmer.

10 **APPLICABILITY TO DIFFERENT VERSIONS OF THE TAX CREDITS.**

11 Under the bill, a taxpayer may transfer the agricultural
12 assets transfer tax credit first claimed under any of the
13 following: (1) former Code section 175.37 for a tax year
14 commencing in calendar years 2008 through 2012, (2) current
15 Code section 16.80 for a tax year commencing in calendar years
16 2015 through 2017, and (3) future Code section 16.80 for a
17 tax year commencing in calendar year 2018 and subsequent tax
18 years. A taxpayer may transfer the custom farming contract tax
19 credit first claimed under any of the following: (1) former
20 Code section 175.38 for a tax year commencing in calendar years
21 2013 and 2014 and (2) current Code section 16.81 for a tax year
22 commencing in calendar years 2015 through 2017.

23 **BACKGROUND.** Nine years ago, the general assembly enacted
24 2006 Iowa Acts, chapter 1161, creating the agricultural
25 assets transfer tax credit administered by the agricultural
26 development authority. Two years ago, the general assembly
27 enacted 2013 Iowa Acts, chapter 125, expanding the program,
28 including by adding the custom farming contract tax credit in
29 former Code section 175.38. However, the legislation provided
30 that the program was to be eliminated on December 31, 2017,
31 and the former version of the agricultural assets transfer
32 tax credit was to be restored. That same year, the general
33 assembly enacted 2013 Iowa Acts, chapter 100, providing that
34 the agricultural development authority was a division of the
35 Iowa finance authority. Last year, the general assembly

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1 enacted 2014 Iowa Acts, chapter 1080, which repealed Code
2 chapter 175 and enacted a number of its provisions as part
3 of reorganized Code chapter 16, including the program (Code
4 chapter 16, subchapter VIII, part 5, subpart B). The program,
5 including the tax credits, is still scheduled to be eliminated
6 on December 31, 2017, and at that time the former agricultural
7 assets transfer tax credit will be restored. Last year, the
8 general assembly also enacted 2014 Iowa Acts, chapter 1112,
9 extending from five to 10 years the period that a taxpayer
10 claiming a past, current, or future version of the tax credit
11 may carry it forward.



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Senate File 245 - Introduced

SENATE FILE 245
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 77)

A BILL FOR

1 An Act modifying the supplementary weighting for limited
2 English proficient students and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 245

1 Section 1. Section 257.31, subsection 5, paragraph j, Code
2 2015, is amended to read as follows:

3 j. Unusual need to continue providing a program or other
4 special assistance to non-English speaking pupils after the
5 expiration of the ~~five-year~~ period of years specified in
6 section 280.4.

7 Sec. 2. Section 280.4, subsection 3, Code 2015, is amended
8 to read as follows:

9 3. a. In order to provide funds for the excess costs of
10 instruction of limited English proficient students specified
11 in paragraph "b" above the costs of instruction of pupils in
12 a regular curriculum, students identified as limited English
13 proficient shall be assigned an additional weighting of
14 ~~twenty-two hundredths~~ three-tenths, and that weighting shall be
15 included in the weighted enrollment of the school district of
16 residence for a period not exceeding ~~five~~ the period of years
17 specified in paragraph "b". However, the school budget review
18 committee may grant supplemental aid or a modified supplemental
19 amount to a school district to continue funding a program for
20 students after the expiration of the ~~five-year~~ specified period
21 of years.

22 b. (1) For students first determined to be limited English
23 proficient for a budget year beginning on or after July
24 1, 2010, but before July 1, 2015, the additional weighting
25 provided under paragraph "a" shall be included in the weighted
26 enrollment of the school district of residence for a cumulative
27 period of time not exceeding five years beginning with the
28 budget year for which the student was first determined to be
29 limited English proficient. The five years of eligibility
30 for the additional weighting need not be consecutive and
31 a student's eligibility for the additional weighting is
32 transferable to another district of residence.

33 (2) For students first determined to be limited English
34 proficient for the budget year beginning on July 1, 2015, the
35 additional weighting provided under paragraph "a" shall be

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1 included in the weighted enrollment of the school district of
2 residence for a period not exceeding six years beginning with
3 the budget year for which the student was first determined to
4 be limited English proficient.

5 (3) For students first determined to be limited English
6 proficient for a budget year beginning on or after July 1,
7 2016, the additional weighting provided under paragraph "a"
8 shall be included in the weighted enrollment of the school
9 district of residence for a period not exceeding seven years
10 beginning with the budget year for which the student was first
11 determined to be limited English proficient.

12 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 Sec. 4. APPLICABILITY. This Act applies to school budget
15 years beginning on or after July 1, 2015.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to limited English proficient education
20 by modifying the supplementary weighting for limited English
21 proficient students.

22 Current Code section 280.4 provides supplementary weighting
23 for the excess costs of instruction of limited English
24 proficient students. The current amount of the supplementary
25 weighting for students identified as limited English proficient
26 is 0.22 per student. The weighting is provided for those
27 students first determined to be limited English proficient for
28 a budget year beginning on or after July 1, 2010, and may be
29 included in the weighted enrollment of the school district for
30 a period not exceeding five years.

31 The bill increases the amount of the supplementary weighting
32 for those students identified as limited English proficient to
33 0.30 per student.

34 The bill also specifies the number of years during which the
35 additional weighting may be included in the school district's

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1 weighted enrollment. For students first determined to be
2 limited English proficient for a budget year beginning on or
3 after July 1, 2010, but before July 1, 2015, the additional
4 weighting may be included for a period not exceeding five
5 years. For students first determined to be limited English
6 proficient for the budget year beginning on July 1, 2015, the
7 additional weighting may be included for a period not exceeding
8 six years. For students first determined to be limited English
9 proficient for a budget year beginning on or after July 1,
10 2016, the additional weighting may be included for a period not
11 exceeding seven years.

12 The bill takes effect upon enactment and applies to school
13 budget years beginning on or after July 1, 2015.



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Senate File 246 - Introduced

SENATE FILE 246
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1101)

A BILL FOR

1 An Act relating to the state preschool program for
2 four-year-old children by establishing a preschool expansion
3 incentive, authorizing state aid for the incentive, and
4 addressing program costs.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256C.3, subsection 3, paragraph h, Code
2 2015, is amended to read as follows:

3 h. Provision for ensuring that children receiving care from
4 other child care arrangements can participate in the preschool
5 program with minimal disruption due to transportation and
6 movement from one site to another. The children participating
7 in the preschool program may be transported by the school
8 district to and from activities associated with the program
9 along with other children.

10 Sec. 2. Section 256C.3, subsection 4, Code 2015, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. e. Development and implementation of a plan
13 for the school district's preschool program to have sufficient
14 capacity to operate without a waiting list for school budget
15 years beginning on or after July 1, 2018.

16 Sec. 3. Section 256C.4, subsection 1, paragraphs g and h,
17 Code 2015, are amended to read as follows:

18 g. For the fiscal year beginning July 1, ~~2011~~ 2015, and
19 each succeeding fiscal year, of the amount of preschool
20 foundation aid received by a school district for a fiscal year
21 in accordance with section 257.16, not more than ~~five~~ ten
22 percent may be used by the school district for administering
23 the district's approved local program. Outreach activities
24 and rent for facilities not owned by the school district are
25 permissive uses of the administrative funds.

26 h. For the fiscal year beginning July 1, ~~2012~~ 2015, and
27 each succeeding fiscal year, of the amount of preschool
28 foundation aid received by a school district for a fiscal year
29 in accordance with section 257.16, not less than ~~ninety-five~~
30 ninety percent of the per pupil amount shall be passed through
31 to a community-based provider for each pupil enrolled in
32 the district's approved local program. For the fiscal year
33 beginning July 1, ~~2011~~ 2015, and each succeeding fiscal year,
34 not more than ~~five~~ ten percent of the amount of preschool
35 foundation aid passed through to a community-based provider

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1 may be used by the community-based provider for administrative
2 costs. The costs of outreach activities and rent for
3 facilities not owned by the school district are permissive
4 administrative costs. The costs of transportation involving
5 children participating in the preschool program and other
6 children may be prorated.

7 Sec. 4. Section 256C.4, subsection 2, paragraph b, Code
8 2015, is amended to read as follows:

9 b. The enrollment count of eligible students shall not
10 include a child who is included in the enrollment count
11 determined under section 257.6 or a child who is served by
12 a an existing preschool program already receiving state or
13 federal funds for the purpose of the provision of providing
14 four-year-old preschool programming while the child is being
15 served by the existing program. Such preschool programming
16 However, the enrollment count of eligible students may include
17 a child being served by an existing preschool program if
18 the preschool programming in the existing program has been
19 enhanced as a result of preschool program expansion incentive
20 state aid provided under section 256C.7. For the purposes
21 of this chapter, an "existing preschool program" includes but
22 is not limited to shared visions and other child development
23 assistance programs provided under chapter 256A and section
24 279.51, special education programs provided under section
25 256B.9, school ready children grant programs and other programs
26 provided under chapter 256I, and federal head start programs
27 and the services funded by Tit. I of the federal Elementary and
28 Secondary Education Act of 1965.

29 Sec. 5. Section 256C.5, subsection 1, unnumbered paragraph
30 1, Code 2015, is amended to read as follows:

31 For the purposes of this ~~section and section 256C.4~~ chapter,
32 unless the context otherwise requires:

33 Sec. 6. NEW SECTION. 256C.7 Preschool program expansion
34 incentive.

35 1. For the purposes of this section, unless the context

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1 otherwise requires:

2 *a. "Base incentive enrollment"* means the average of the
3 actual enrollments of eligible students in the preschool
4 programming provided by a school district on October 1, 2012,
5 October 1, 2013, and October 1, 2014.

6 *b. "Incentive enrollment"* means the amount by which the
7 actual enrollment of eligible students in the preschool
8 programming provided by a school district on October 1 of
9 the base year exceeds the school district's base incentive
10 enrollment.

11 *c. "Incentive period"* means the budget years beginning July
12 1, 2016, July 1, 2017, and July 1, 2018.

13 *d. "Incentive state aid"* means the product of twenty percent
14 of the regular program state cost per pupil for the budget year
15 multiplied by the school district's incentive enrollment in the
16 base year.

17 2. *a.* A preschool program expansion incentive is
18 established in accordance with this section. In order to be
19 eligible for the incentive, a school district must develop and
20 implement a preschool program expansion plan, approved by the
21 department, to expand enrollment of eligible students in the
22 school district's preschool programming. In addition, the
23 school district shall work with existing preschool program
24 providers to expand hours and otherwise enhance the preschool
25 programming available to the children participating in the
26 programs. The plan's goal shall be that by the end of the
27 incentive period the district's preschool programming will
28 be available without a waiting list to each child wanting to
29 enroll in the programming. After completion of the incentive
30 period, the department shall analyze the growth in access
31 to the preschool program and enhancements made in preschool
32 programming as a result of the incentive, including in
33 the programs provided directly by school districts and in
34 those offered in partnership with community providers. The
35 department shall submit a report to the general assembly that

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1 shall include identification of progress made toward the
2 incentive program's goals and documentation of collaboration
3 efforts made with input from participating families, early care
4 providers, and community partners.

5 **b.** The elements addressed in the preschool program expansion
6 plan shall include but are not limited to the following:

7 (1) How the school district will work in collaboration with
8 participating families, early care providers, and community
9 partners, as described in section 256C.3, subsection 3,
10 to provide the preschool programming in as convenient and
11 cost-effective a manner as possible for the families of the
12 four-year-old children who are eligible for the programming.

13 (2) A specification of the roles of the early care providers
14 and community partners in support of the expansion plan.

15 (3) A delineation of the specific steps for expanding hours
16 and otherwise enhancing the preschool programming available to
17 the children participating in the existing preschool programs
18 located in the school district.

19 (4) Identification of specific outcomes and progress
20 measures for the expansion plan.

21 (5) Detailed plans for contacting and soliciting enrollment
22 of eligible students, particularly from low-income families,
23 non-English speaking families, and families from ethnic and
24 racial groups underrepresented in the district's preschool
25 program enrollment.

26 **3.** The department of education shall provide required
27 elements and recommend best practices for outreach and program
28 expansion under the incentive, including expansion plan models
29 that school districts may consider in developing their local
30 expansion plans, and including but not limited to submission
31 provisions, annual updates, and documentation of collaboration
32 efforts with and input from participating families, early care
33 providers, and community partners.

34 **4.** During the incentive period, in addition to the
35 regular preschool foundation aid based on the preschool

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1 budget enrollment, the school district implementing a
2 preschool expansion plan approved by the department shall
3 receive incentive state aid based on the district's incentive
4 enrollment. The incentive state aid shall be paid as
5 part of the state aid payments made to school districts in
6 accordance with section 257.16 and shall be subject to the
7 same requirements applicable to preschool foundation aid under
8 section 256C.4, subsection 1, paragraph "d".

9 5. A school district shall utilize its incentive state aid
10 to defray increases in costs in connection with the school
11 district's preschool program expansion plan. Such costs shall
12 include but are not limited to renovation and other facility
13 costs connected with expansion, outreach, one-time expenses,
14 and other costs identified as eligible by the department.

15 Sec. 7. Section 257.16, Code 2015, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. For the fiscal years in which the
18 preschool program expansion incentive applies in accordance
19 with section 256C.7, the appropriation made in subsection 1
20 shall include the amount necessary to pay incentive state aid
21 in accordance with section 256C.7. This subsection is repealed
22 on July 1, 2019.

23 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance
24 with section 25B.2, subsection 3, the state cost of requiring
25 compliance with any state mandate included in this Act shall
26 be paid by a school district from state school foundation aid
27 received by the school district under section 257.16. This
28 specification of the payment of the state cost shall be deemed
29 to meet all of the state funding-related requirements of
30 section 25B.2, subsection 3, and no additional state funding
31 shall be necessary for the full implementation of this Act
32 by and enforcement of this Act against all affected school
33 districts.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill relates to the statewide preschool program for
3 four-year-old children by establishing a preschool program
4 expansion incentive and authorizing state aid for the
5 incentive. The bill also addresses costs allowed under the
6 program.

7 Code section 256C.3, relating to preschool program
8 requirements, is amended to require each school district to
9 implement a plan for the school district's preschool program to
10 have sufficient capacity to operate without a waiting list for
11 school budget years beginning on or after July 1, 2018.

12 To be eligible for the preschool expansion incentive,
13 a school district must develop and implement a preschool
14 expansion plan, approved by the department, in order to expand
15 enrollment of eligible students in the school district's
16 preschool programming. Requirements for the plan are
17 provided in the bill, including how the school district will
18 collaborate with participating families, early care providers,
19 and community partners to expand the district's preschool
20 enrollment. The department of education is to specify other
21 requirements for the plan and for approval of plans by the
22 department. The bill requires the department of education to
23 analyze the enhancements to the preschool program following the
24 incentives period and submit a report to the general assembly.

25 Current law in Code section 256C.4 prohibits inclusion
26 in the preschool program of children already included in a
27 school's enrollment count for purposes of the school aid
28 foundation formula or children who are served by an existing
29 preschool program already receiving state or federal funds for
30 the purpose of providing four-year-old preschool programming
31 while the child is being served by the existing program. The
32 bill allows inclusion of children participating in an existing
33 program if the preschool programming in the existing program
34 has been enhanced as part of the expansion incentive.

35 The incentive program will operate for the three school

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1 budget years beginning July 1, 2016, July 1, 2017, and July
2 1, 2018. For those three budget years, a school district is
3 eligible to receive incentive state aid for the increase in
4 the actual enrollment of eligible students in the preschool
5 programming provided by a school district in the immediately
6 preceding school year over the base incentive enrollment.
7 The base incentive enrollment is the average of the actual
8 enrollments of eligible students in the school district's
9 preschool programming on October 1, 2012, October 1, 2013,
10 and October 1, 2014. The amount of incentive state aid is
11 equal to 20 percent of the regular program state cost per pupil
12 multiplied by the school district's incentive enrollment in the
13 base year.

14 The incentive state aid is required to be used to defray
15 increases in costs in connection with the school district's
16 preschool expansion plan. Such costs may include renovation
17 and other facility costs connected with expansion, outreach,
18 one-time expenses, and other costs identified as eligible by
19 the department.

20 The bill also addresses administration and other costs under
21 the preschool program in amendments to Code sections 256C.3 and
22 256C.4. Authorization is provided for a school district to
23 transport the children participating in the preschool program
24 to and from activities associated with the program along with
25 other children. The bill authorizes community-based providers
26 to prorate the costs of transporting children participating in
27 the preschool program. The allowable administrative costs for
28 school districts are increased from 5 to 10 percent. Also, the
29 costs of outreach activities and facility rent are permitted
30 as administrative costs.

31 The bill may include a state mandate as defined in Code
32 section 25B.3. The bill requires that the state cost of
33 any state mandate included in the bill be paid by a school
34 district from state school foundation aid received by the
35 school district under Code section 257.16. The specification

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1 is deemed to constitute state compliance with any state mandate
2 funding-related requirements of Code section 25B.2. The
3 inclusion of this specification is intended to reinstate the
4 requirement of political subdivisions to comply with any state
5 mandates included in the bill.



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Senate File 247 - Introduced

SENATE FILE 247
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1099)

A BILL FOR

1 An Act establishing a low-income program supplement for school
2 districts to provide programs serving low-income pupils.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.1, subsection 2, paragraph b, Code
2 2015, is amended to read as follows:

3 b. For the budget year commencing July 1, 1999, and for each
4 succeeding budget year the regular program foundation base per
5 pupil is eighty-seven and five-tenths percent of the regular
6 program state cost per pupil. For the budget year commencing
7 July 1, 1991, and for each succeeding budget year the special
8 education support services foundation base is seventy-nine
9 percent of the special education support services state cost
10 per pupil. The combined foundation base is the sum of the
11 regular program foundation base, the special education support
12 services foundation base, the total teacher salary supplement
13 district cost, the total professional development supplement
14 district cost, the total early intervention supplement district
15 cost, the total teacher leadership supplement district cost,
16 the total area education agency teacher salary supplement
17 district cost, ~~and~~ the total area education agency professional
18 development supplement district cost, and the low-income
19 program supplement.

20 Sec. 2. Section 257.1, subsection 3, Code 2015, is amended
21 to read as follows:

22 3. *Computations rounded.* In making computations and
23 payments under this chapter, except in the case of computations
24 relating to funding of special education support services,
25 media services, and educational services provided through the
26 area education agencies, and the teacher salary supplement, the
27 professional development supplement, the early intervention
28 supplement, ~~and~~ the teacher leadership supplement, and the
29 low-income program supplement, the department of management
30 shall round amounts to the nearest whole dollar.

31 Sec. 3. Section 257.4, subsection 1, paragraph a, Code 2015,
32 is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (10) The amount of the low-income program
34 supplement to be received by the school district under section
35 257.10A.

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1 Sec. 4. NEW SECTION. 257.10A Low-income program supplement.

2 1. In order to provide additional funding to school
3 districts for programs serving low-income pupils, each district
4 shall receive for each budget year beginning on or after July
5 1, 2017, a low-income program supplement as calculated under
6 subsection 2.

7 2. Each school district's low-income program supplement
8 shall be an amount equal to the number of pupils in the school
9 district, as reported by the school district on the basic
10 educational data survey for the base year, who are eligible for
11 free and reduced price meals under the federal National School
12 Lunch Act and the federal Child Nutrition Act of 1966, 42
13 U.S.C. §1751-1785, multiplied by four hundredths of the regular
14 program state cost per pupil for the budget year.

15 3. Amounts received under this section shall be utilized
16 by a school district to develop or maintain programs for
17 low-income pupils, including but not limited to before and
18 after school educational programs, summer education programs,
19 individual instructional assistance programs, tutoring and
20 mentoring programs, programs to reduce or waive student fees
21 required as part of the school district's educational program,
22 or other programs or assistance approved by the department.

23 4. For purposes of this section, "*low-income pupils*" means
24 pupils who are eligible for free and reduced price meals under
25 the federal National School Lunch Act and the federal Child
26 Nutrition Act of 1966, 42 U.S.C. §1751-1785.

27 5. Providing programs under this subsection for low-income
28 pupils shall not restrict a school district from offering
29 participation in those programs by pupils who are not
30 low-income pupils, using other funds and resources available to
31 the school district for such purposes.

32 Sec. 5. Section 257.16, subsection 4, Code 2015, is amended
33 to read as follows:

34 4. Notwithstanding any provision to the contrary, if
35 the governor orders budget reductions in accordance with

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1 section 8.31, the teacher salary supplement district cost,
2 the professional development supplement district cost, the
3 early intervention supplement district cost, and the teacher
4 leadership supplement district cost as calculated under
5 section 257.10, subsections 9, 10, 11, and 12, ~~and~~ the area
6 education agency teacher salary supplement district cost and
7 the area education agency professional development supplement
8 district cost as calculated under section 257.37A, subsections
9 1 and 2, and the low-income program supplement as calculated
10 under section 257.10A shall be paid in full as calculated and
11 the reductions in the appropriations provided in accordance
12 with this section shall be reduced from the remaining moneys
13 appropriated pursuant to this section and shall be distributed
14 on a per pupil basis calculated with the weighted enrollment
15 determined in accordance with section 257.6, subsection 5.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill provides additional funding to school districts
20 for programs serving low-income pupils, as defined in the bill.

21 Under the bill, each district receives for each budget
22 year beginning on or after July 1, 2017, a low-income program
23 supplement. Each school district's low-income program
24 supplement is an amount equal to the number of pupils in the
25 school district who are eligible for free and reduced price
26 meals multiplied by four hundredths of the regular program
27 state cost per pupil for the budget year.

28 Amounts received by a school district under the bill must be
29 utilized by a school district to develop or maintain programs
30 for low-income pupils, including but not limited to before and
31 after school educational programs, summer education programs,
32 individual instructional assistance programs, tutoring and
33 mentoring programs, programs to reduce or waive student fees
34 required as part of the school district's educational program,
35 or other programs or assistance approved by the department.

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1 The amount of the low-income program supplement is included
2 within the combined foundation base and is paid to each school
3 district as part of the state foundation aid.

4 The bill specifies that providing programs for low-income
5 pupils does not restrict a school district from offering
6 participation in those programs to pupils who are not
7 low-income pupils, using other funds available to the school
8 district.



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Senate File 248 - Introduced

SENATE FILE 248
BY FEENSTRA

A BILL FOR

1 An Act excluding from the utility replacement tax the
2 consumption of natural gas by certain persons and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1914XS (2) 86
md/sc



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S.F. 248

1 Section 1. Section 437A.5, subsection 7, Code 2015, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0c.* For tax years beginning on or after
4 January 1, 2015, subsection 2 does not apply to natural gas
5 consumed by a person, other than an electric company, natural
6 gas company, electric cooperative, or municipal utility, if
7 the natural gas is acquired by means of facilities owned by or
8 leased to such person and placed into service after January 1,
9 1999, but before January 1, 2015, that were physically attached
10 to pipelines that are not permitted pursuant to chapter 479
11 and used by such person for the purpose of bypassing the local
12 natural gas company or municipal utility.

13 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
16 retroactively to January 1, 2015, for tax years beginning on
17 or after that date.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill excludes from the natural gas consumer replacement
22 tax under Code section 437A.5(2), natural gas consumed by a
23 person, other than an electric company, natural gas company,
24 electric cooperative, or municipal utility, if the natural
25 gas is acquired by means of facilities owned by or leased to
26 such person and placed into service after January 1, 1999,
27 but before January 1, 2015, that were physically attached to
28 pipelines that are not permitted pursuant to Code chapter
29 479 and used by such person for the purpose of bypassing the
30 local natural gas company or municipal utility. The exclusion
31 provided in the bill is for tax years beginning on or after
32 January 1, 2015.

33 The bill takes effect upon enactment and applies
34 retroactively to January 1, 2015, for tax years beginning on
35 or after that date.

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Senate File 249 - Introduced

SENATE FILE 249
BY WHITVER and CHELGREN

A BILL FOR

1 An Act reducing the individual income tax rates and including
2 effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2137XS (4) 86
mm/sc



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1 Section 1. Section 422.5, subsection 1, paragraphs a
2 through i, Code 2015, are amended to read as follows:

3 a. On all taxable income from zero through one thousand
4 dollars, ~~thirty-six~~ thirty-two hundredths of one percent.

5 b. On all taxable income exceeding one thousand dollars
6 but not exceeding two thousand dollars, ~~seventy-two~~ sixty-five
7 hundredths of one percent.

8 c. On all taxable income exceeding two thousand dollars
9 but not exceeding four thousand dollars, two and ~~forty-three~~
10 nineteen hundredths percent.

11 d. On all taxable income exceeding four thousand dollars
12 but not exceeding nine thousand dollars, four and ~~one-half~~ five
13 hundredths percent.

14 e. On all taxable income exceeding nine thousand dollars
15 but not exceeding fifteen thousand dollars, ~~six~~ five and ~~twelve~~
16 fifty-one hundredths percent.

17 f. On all taxable income exceeding fifteen thousand dollars
18 but not exceeding twenty thousand dollars, ~~six~~ five and
19 ~~forty-eight~~ eighty-three hundredths percent.

20 g. On all taxable income exceeding twenty thousand dollars
21 but not exceeding thirty thousand dollars, six and ~~eight-tenths~~
22 twelve hundredths percent.

23 h. On all taxable income exceeding thirty thousand dollars
24 but not exceeding forty-five thousand dollars, seven and
25 ~~ninety-two~~ thirteen hundredths percent.

26 i. On all taxable income exceeding forty-five thousand
27 dollars, eight and ~~ninety-eight~~ eight hundredths percent.

28 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
29 2016.

30 Sec. 3. APPLICABILITY. This Act applies to tax years
31 beginning on or after January 1, 2016.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill reduces by approximately 10 percent the tax rate

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1 for each of the nine tax brackets of the individual income tax.

2 The current individual income tax rates range from a low of
3 .36 percent to a high of 8.98 percent. The bill changes these
4 rates to a low of .32 percent to a high of 8.08 percent.

5 The bill takes effect January 1, 2016, and applies to tax
6 years beginning on or after that date.



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Senate File 250 - Introduced

SENATE FILE 250
BY SODDERS

A BILL FOR

- 1 An Act relating to indemnification of peace officers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 250

1 Section 1. NEW SECTION. 80F.2 Indemnification of peace
2 officers.

3 1. For purposes of this section, "peace officer" means the
4 same as defined in section 801.4.

5 2. If a peace officer is prosecuted for a crime the
6 peace officer allegedly committed in the course of the peace
7 officer's performance of duties as a peace officer and the
8 charge is dismissed or the peace officer is found not guilty,
9 the state or governmental unit employing the peace officer
10 shall indemnify the peace officer for economic loss the peace
11 officer sustained as a result of the prosecution, including
12 the payment of attorney fees and costs incurred during the
13 prosecution and during the enforcement of this section.

14 3. A peace officer may bring an action in district court
15 against the state or governmental unit employing the peace
16 officer to enforce the provisions of this section.

17 Sec. 2. REPEAL. Section 80.37, Code 2015, is repealed.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to the indemnification of a peace officer
22 who is charged with a crime allegedly committed during the
23 performance of duties if the charges are dismissed or the peace
24 officer is found not guilty.

25 The bill defines "peace officer" as a sheriff and sheriff's
26 regular deputy who is subject to mandated law enforcement
27 training, marshal and police officer of a city, peace officer
28 member of the department of public safety as defined in Code
29 chapter 80, parole officer acting pursuant to Code section
30 906.2, probation officer acting pursuant to Code sections
31 602.7202(4) and 907.2, peace officer employed by board of
32 regents institutions as set forth in Code section 262.13,
33 conservation officer as authorized by Code section 456A.13,
34 employee of the department of transportation designated as
35 a peace officer by resolution of the department under Code

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1 section 321.477, employee of an aviation authority designated
2 as a peace officer by the authority under Code section
3 330A.8(16), and such person as may be otherwise so designated
4 by law.

5 The bill provides that if a peace officer is prosecuted for
6 a crime the peace officer allegedly committed in the course of
7 the peace officer's performance of duties as a peace officer
8 and the charge is dismissed or the peace officer is found not
9 guilty, the state or governmental unit employing the peace
10 officer shall indemnify the peace officer for economic loss
11 the peace officer sustained as a result of the prosecution and
12 enforcement of the bill, including the payment of attorney fees
13 and costs. The bill further provides that a peace officer
14 may bring an action against the state or governmental unit
15 employing the peace officer to enforce the provisions of the
16 bill.

17 The bill repeals Code section 80.37. Code section 80.37
18 provides that a peace officer employed by the department of
19 public safety, who is charged with a crime based on an act
20 or omission within the scope of the officer's lawful duty
21 and against whom the charges are dismissed or the officer
22 is acquitted, shall be reimbursed for costs incurred in
23 defending the charge if the court finds that the charge was
24 without probable cause, filed for malicious purposes, or was
25 unwarranted in consideration of the circumstances.



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Senate File 251 - Introduced

SENATE FILE 251
BY HART

A BILL FOR

1 An Act relating to retail motor fuel sites, by requiring
2 standards and practices to assist disabled individuals
3 obtaining motor fuel, providing for enforcement by the
4 department of agriculture and land stewardship, providing
5 for a tax credit, and including effective and applicability
6 date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 214.1, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Americans with Disabilities Act*
4 *of 1990*" includes Tit. III of the federal Americans with
5 Disabilities Act of 1990, as provided in 42 U.S.C. §12181 et
6 seq., its implementing regulations, including 28 C.F.R. pt. 36,
7 and the 2010 standards for accessible design published by the
8 United States department of justice.

9 Sec. 2. Section 214.1, subsection 2, Code 2015, is amended
10 to read as follows:

11 2. ~~"Motor fuel"~~ "*Diesel fuel*", "*E-15 gasoline*", "*gasoline*",
12 "*motor fuel*", "*retail dealer*", "*retail motor fuel site*", and
13 "*wholesale dealer*" mean the same as defined in section 214A.1.

14 Sec. 3. NEW SECTION. 214.12 **Accessibility of motor fuel**
15 **pumps — rules.**

16 1. A retail dealer operating a retail motor fuel site shall
17 comply with the applicable requirements of the Americans with
18 Disabilities Act of 1990, to the extent required in that Act.

19 2. a. A retail dealer operating a retail motor fuel site
20 shall offer refueling assistance upon the request of a customer
21 who is an individual with a disability, if any of the following
22 applies:

23 (1) The retail dealer is required to comply with the
24 provisions of subsection 1.

25 (2) On or after the effective date of this Act, the retail
26 dealer does any of the following:

27 (a) Constructs a structure that is part of a new retail
28 motor fuel site, including a building, motor fuel pump, or a
29 motor fuel storage tank.

30 (b) Constructs a new structure or modifies or replaces a
31 structure that is part of an existing retail motor fuel site,
32 including but not limited to the exterior or interior of any
33 building, a motor fuel pump, or a motor fuel storage tank. A
34 modification does not include a cosmetic improvement or minor
35 repair. A replacement does not include the incidental exchange

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1 of parts or materials.

2 **b.** A retail dealer shall provide refueling assistance under
3 paragraph "a" by doing all of the following:

4 (1) Displaying two signs indicating that the retail motor
5 fuel site offers refueling assistance consistent with the
6 Americans with Disabilities Act of 1990 and this section.

7 (a) The first sign shall bear the international symbol
8 of accessibility and be posted in a conspicuous place on
9 the marquee where retail sales prices are advertised. The
10 sign shall notify the traveling public that the retail motor
11 fuel site offers refueling assistance to individuals with
12 disabilities. The sign shall be at least eighteen inches in
13 width and twenty-four inches in height.

14 (b) The second sign shall notify customers of the hours that
15 refueling assistance is available. The second sign shall be
16 posted near a motor fuel pump where a call button is located
17 as provided in subparagraph (2) and be easily readable by
18 customers. The sign shall be nine inches in width and nine
19 inches in height.

20 (2) Installing and maintaining at least one large call
21 button that is accessible by a customer who may request
22 refueling assistance during the hours posted.

23 (a) A call button shall be located near each front side of
24 a motor fuel pump where a customer may dispense a type of motor
25 fuel classified as diesel fuel, gasoline, or E-85 gasoline.
26 However, only one call button is required for each front side
27 of an island where two or more motor fuel pumps dispense
28 different classifications of motor fuel offered for sale. A
29 call button shall be located within the reach of a customer who
30 is inside a motor vehicle and be capable of being operated by
31 a customer with a closed hand.

32 (b) A call button when activated must emit a recognizable
33 sound inside a structure where an employee is regularly on
34 duty.

35 **c.** Notwithstanding paragraphs "a" and "b", a retail dealer

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1 is not required to provide refueling assistance as follows:

2 (1) The retail motor fuel site is a tank wagon.

3 (2) The retail motor fuel site has two or fewer licensed
4 motor fuel pumps.

5 (3) At any time that the retail motor fuel site is operating
6 on a remote control basis with fewer than two employees on duty
7 at the retail motor fuel site.

8 3. A customer shall not incur any additional expense for
9 requesting refueling assistance as provided in this section.

10 4. The department shall adopt rules to provide standards
11 for retail dealers operating retail motor fuel sites in
12 implementing the provisions of this section.

13 Sec. 4. NEW SECTION. 214.13 **Accessibility of motor fuel**
14 **pumps — enforcement.**

15 1. During its regular inspection of motor fuel pumps at
16 a retail motor fuel site as provided in section 214.11, the
17 department shall determine whether a retail dealer is in
18 compliance with section 214.12, including rules adopted by the
19 department under that section.

20 2. Upon determining that a violation of section 214.12
21 requires corrective action, the department shall notify the
22 retail dealer. The retail motor fuel site or the retail
23 dealer's practices, as applicable, shall be modified to
24 correct the violation within six months after the retail dealer
25 receives such notice.

26 3. The department shall inspect a retail motor fuel site
27 if it determines on the basis of the receipt of three or more
28 complaints that a violation of section 214.12 may require
29 corrective action.

30 4. Upon determining that a retail dealer has violated
31 section 214.12, and has failed to comply with a notice for
32 corrective action as provided in this section, the department
33 may suspend one or more licenses issued under this chapter to
34 operate motor fuel pumps located at the retail motor fuel site
35 where the violation is occurring. The department shall suspend

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1 the license until it determines that the violation has been
2 corrected.

3 Sec. 5. NEW SECTION. 422.11K Accessibility of motor fuel
4 pumps tax credit.

5 1. The taxes imposed in this division, less the credits
6 allowed under section 422.12, shall be reduced by an
7 accessibility of motor fuel pumps tax credit.

8 2. The taxpayer must qualify as all of the following:

9 a. A retail dealer who sells and dispenses motor fuel
10 through a motor fuel pump located at the retail dealer's
11 permanent retail motor fuel site operating in compliance with
12 chapter 214.

13 b. An eligible small business as defined in 26 U.S.C. §44.

14 3. a. A taxpayer may claim a tax credit for providing
15 refueling assistance to customers as provided in section
16 214.12.

17 b. This section does not require that a taxpayer be eligible
18 to claim a tax credit under 26 U.S.C. §44 or actually claim a
19 tax credit under that section.

20 c. A taxpayer may claim a tax credit as provided in this
21 section regardless of whether the taxpayer is required to
22 provide refueling assistance under section 214.12.

23 4. The taxpayer must file a claim for a tax credit and
24 any required supporting documentation in a form and manner
25 prescribed by the department.

26 5. The amount of a tax credit under this section shall not
27 exceed actual and necessary expenditures incurred by a retail
28 dealer in preparing and displaying signs and installing one or
29 more call buttons as required in section 214.12.

30 6. The amount of a tax credit shall not exceed five hundred
31 dollars for each retail motor fuel site where the retail dealer
32 sells and dispenses motor fuel and where the retail dealer
33 provides refueling assistance as provided in subsection 5.

34 7. If a tax credit is allowed, the amount of the tax credit
35 claimed shall not be deductible under any other provision of

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1 law in determining taxable income for state tax purposes.

2 8. a. A tax credit in excess of the taxpayer's liability
3 for the tax year is not refundable but may be credited to the
4 tax liability for the following five years or until depleted,
5 whichever is earlier.

6 b. A tax credit shall not be carried back to a tax year
7 prior to the tax year in which the taxpayer claims the tax
8 credit.

9 Sec. 6. Section 422.33, Code 2015, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 11. The taxes imposed under this division
12 shall be reduced by an accessibility of motor fuel pumps tax
13 credit. The taxpayer may claim the tax credit according to the
14 same requirements, for the same amount, and calculated in the
15 same manner, as provided in section 422.11K.

16 Sec. 7. EFFECTIVE DATES.

17 1. Except as provided in subsection 2, this Act takes effect
18 July 1, 2015.

19 2. The provisions of this Act enacting section 214.12,
20 subsection 2, requiring that signs and one or more call buttons
21 be located at a retail motor fuel site take effect January 1,
22 2016.

23 Sec. 8. APPLICABILITY. The sections of this Act enacting
24 section 422.11K and section 422.33, subsection 11, apply to tax
25 years beginning on or after January 1, 2016.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 GENERAL. This bill provides that a retail dealer (dealer)
30 operating a retail motor fuel site (site) selling motor fuel,
31 including gasoline, E-85 gasoline, and diesel fuel dispensed at
32 a motor fuel pump (pump) must comply with the federal Americans
33 with Disabilities Act (ADA). In addition, the dealer must
34 offer refueling assistance to a disabled customer upon request.
35 This includes posting signs at the site and installing one or

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1 more call buttons near a pump which can be used by the customer
2 to alert a dealer's employee that assistance is requested.
3 The bill provides for the enforcement of its provisions by
4 the department of agriculture and land stewardship, including
5 during routine and special inspections. Finally, the bill
6 provides an income tax credit to retail dealers to partially
7 defray the costs of compliance.

8 EFFECTIVE AND APPLICABILITY DATES. The bill's provisions
9 requiring a dealer to comply with the ADA take effect on July
10 1, 2015. The other provisions take effect on January 1, 2016.
11 The tax credit applies to tax years beginning on or after
12 January 1, 2016.



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Senate File 252 - Introduced

SENATE FILE 252
BY BERTRAND

A BILL FOR

1 An Act providing education savings grants for pupils attending
2 a nonpublic school or receiving competent private
3 instruction, establishing an education savings grant fund,
4 providing an income tax exemption, making appropriations,
5 providing penalties, and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 33. Adopt rules relating to applications
4 for an education savings grant pursuant to section 257.11B,
5 including application processing timelines and information
6 required to be submitted by a parent or guardian.

7 Sec. 2. NEW SECTION. 257.11B Education savings grant
8 program.

9 1. Pupils eligible to enroll in grades kindergarten through
10 twelve and attending a nonpublic school or receiving competent
11 private instruction under chapter 299A shall be eligible to
12 receive an education savings grant in the manner provided in
13 this section for school years beginning on or after July 1,
14 2016. Education savings grants shall be made available to
15 parents and guardians in the manner authorized under subsection
16 4, paragraph "c", for the payment of qualified educational
17 expenses as provided in this section.

18 2. a. (1) By January 31 preceding the school year for
19 which the education savings grant is requested, the parent
20 or guardian of the pupil requesting to receive an education
21 savings grant shall submit an application to the department of
22 education, on application forms developed by the department,
23 indicating that the parent or guardian intends to enroll the
24 pupil in a nonpublic school or provide competent private
25 instruction for the pupil under chapter 299A.

26 (2) In addition to such information deemed appropriate by
27 the department of education, the application shall require
28 certification from the nonpublic school of the pupil's
29 enrollment for the following school year or a statement
30 indicating the parent or guardian's intent to provide or
31 arrange for competent private instruction for the pupil for the
32 following school year.

33 b. By March 1 preceding the school year for which the
34 education savings grant is requested, the department of
35 education shall notify the department of management of the

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1 number of pupils in each school district designated for the
2 following school year to receive an education savings grant
3 and the amount of the education savings grant for each pupil.
4 The department of education shall also notify the parent
5 or guardian of such pupils who are approved to receive an
6 education savings grant.

7 *c.* Education savings grants shall only be approved for one
8 school year and applications must be submitted under paragraph
9 "a" for education savings grants in subsequent school years.

10 3. *a.* The department of management shall assign each pupil
11 an education savings grant in an amount equal to the statewide
12 average regular program state foundation aid per pupil in the
13 same school year.

14 *b.* The department of management shall on July 1 following
15 the determination of the amount of the education savings grant
16 for each approved pupil transfer such amounts to the pupil's
17 account in the education savings grant fund established under
18 subsection 4. Such amount shall be available to the pupil's
19 parent or guardian in the manner authorized under subsection
20 4, paragraph "c", for the payment of qualified educational
21 expenses incurred by such persons for the pupil during that
22 school year.

23 4. An education savings grant fund is created in the state
24 treasury under the control of the department of management
25 consisting of moneys appropriated to the department for the
26 purpose of providing education savings grants under this
27 section. For the fiscal year commencing July 1, 2016, and
28 each succeeding fiscal year, there is appropriated from the
29 general fund of the state to the department of management to be
30 credited to the fund the amount necessary to pay all education
31 savings grants approved for that fiscal year. The director of
32 the department of management has all powers necessary to carry
33 out and effectuate the purposes, objectives, and provisions of
34 this section pertaining to the fund, including the power to do
35 all of the following:

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1 *a.* Make and enter into contracts necessary for the
2 administration of the fund.

3 *b.* Procure insurance against any loss in connection with the
4 assets of the fund or require a surety bond.

5 *c.* Contract with a private financial management firm to
6 manage the fund, in collaboration with the treasurer of state,
7 including providing for the disbursement of education savings
8 grants in the form of an electronic debit card or checks that
9 are payable directly from the pupil's account within the fund.

10 *d.* Conduct audits or other review necessary to properly
11 administer the program.

12 *e.* Adopt rules for the administration of the fund and
13 accounts within the fund.

14 5. *a.* For each pupil approved for an education savings
15 grant, the department shall establish an account for that pupil
16 in the education savings grant fund. The amount of the pupil's
17 education savings grant determined under subsection 3 shall be
18 deposited into the pupil's account on July 1, and such amount
19 shall be immediately available for the payment of qualified
20 educational expenses incurred by the parent or guardian for
21 the pupil during that fiscal year using the payment method
22 authorized under subsection 4, paragraph "c".

23 *b.* A nonpublic school or other entity that accepts payment
24 from a parent or guardian using funds from a pupil's account in
25 the education savings grant fund shall not refund, rebate, or
26 share any portion of such payment with the parent, guardian, or
27 pupil.

28 *c.* Moneys remaining in a pupil's account upon conclusion
29 of the fiscal year shall remain in the pupil's account in the
30 education savings grant fund for the payment of qualified
31 educational expenses in future fiscal years or for the payment
32 of higher education costs as provided under subsection 8.

33 6. *a.* For purposes of this section, "qualified educational
34 expenses" includes tuition and fees at a nonpublic school,
35 textbooks, fees or payments for educational therapies,

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1 including tutoring or cognitive skills training, curriculum
2 fees and materials for a course of study for a specific subject
3 matter or grade level, tuition or fees for nonpublic online
4 education programs, education materials and services for pupils
5 with disabilities, including the cost of paraprofessionals
6 and assistants who are trained in accordance with state law,
7 standardized test fees, fees required by the department not to
8 exceed for each grant recipient five percent of the total grant
9 amount in any fiscal year, higher education costs, as defined
10 in section 12D.1, excluding room and board expenses, and other
11 expenses incurred by the parent or guardian that are directly
12 related to the education of the pupil at a nonpublic school,
13 including a nonpublic school accredited by an independent
14 accrediting agency approved by the department of education, or
15 directly related to providing competent private instruction
16 for the pupil under chapter 299A. The cost of one computer or
17 other portable computing device shall be allowed as a qualified
18 educational expense for a pupil if such a purchase has not been
19 made using funds from that pupil's account in either of the two
20 immediately preceding fiscal years.

21 **b.** *"Qualified educational expenses"* does not include
22 transportation costs for the pupil, the cost of food or
23 refreshments consumed by the pupil, the cost of clothing for
24 the pupil, or the cost of disposable materials, including
25 but not limited to paper, notebooks, pencils, pens, and art
26 supplies.

27 **c.** *"Qualified educational expenses"* does not include
28 tuition, as defined in section 422.12, at a nonpublic
29 school where the tuition charged per student, prior to any
30 scholarships or other reductions, exceeds the regular program
31 state cost per pupil for the same school year.

32 **7.** A person who makes a false claim for the purpose of
33 obtaining an education savings grant provided for in this
34 section or who knowingly receives the grant or makes a payment
35 from an account within the education savings grant fund

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1 without being legally entitled to it is guilty of a fraudulent
2 practice. The false claim for an education savings grant or a
3 payment from an account shall be disallowed and if amounts from
4 the grant have been disbursed from the applicable account in
5 the education savings grant fund, the department of management
6 shall initiate legal proceedings to recover such amounts. A
7 parent or guardian, or a pupil for purposes of subsection 8,
8 who commits a fraudulent practice under this subsection is
9 prohibited from participating in the education savings grant
10 program in the future.

11 8. a. For each pupil with a positive balance in the
12 pupil's account in the education savings grant fund upon
13 graduation from high school or completion of an equivalent
14 level of competent private instruction under chapter 299A, the
15 department of management shall maintain the account in the
16 fund until the pupil is twenty-three years of age. Following
17 graduation from high school until the pupil is twenty-three
18 years of age, moneys in the pupil's account may be used for
19 higher education costs, as defined in section 12D.1, subsection
20 2, incurred by the pupil while attending an institution of
21 higher education under the control of the state board of
22 regents, a community college located in this state, or a
23 private college or university located in this state. Payments
24 from a pupil's account for higher education costs shall be
25 made in the same manner as payments for qualified educational
26 expenses under subsection 5. Moneys in a pupil's account when
27 the pupil turns twenty-three years of age shall be transferred
28 by the department for deposit in the general fund of the state.
29 b. Notwithstanding the age limitation in paragraph "a",
30 if the pupil with a positive balance in the pupil's account
31 in the education savings grant fund upon graduation from high
32 school or completion of an equivalent level of competent
33 private instruction under chapter 299A serves on federal active
34 duty, other than training, and is discharged under honorable
35 conditions, the limitation date otherwise applicable under

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1 paragraph "a" shall be extended by one year for each year of
2 federal active duty service by the pupil, but not to a date
3 after the pupil's twenty-seventh birthday.

4 9. This section shall not be construed to authorize the
5 state or any political subdivision of the state to exercise
6 authority over any nonpublic school or pupil receiving
7 competent private instruction under chapter 299A or construed
8 to require a nonpublic school to modify its admissions or
9 educational program in order to receive payment from a parent
10 or guardian using funds from a pupil's account in the education
11 savings grant fund. A nonpublic school or entity providing
12 competent private instruction under chapter 299A that accepts
13 payment from a parent or guardian using funds from a pupil's
14 account in the education savings grant fund is not an agent of
15 this state or of a political subdivision of this state. Rules
16 adopted by the department to implement this section that impose
17 an undue burden on a nonpublic school or entity providing
18 competent private instruction under chapter 299A are invalid.

19 Sec. 3. Section 422.7, Code 2015, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 51. Subtract, to the extent included, the
22 amount of an education savings grant under section 257.11B
23 received by the taxpayer for payment of qualified educational
24 expenses.

25 Sec. 4. APPLICABILITY. This Act applies to school budget
26 years and fiscal years beginning on or after July 1, 2016.

27 Sec. 5. APPLICABILITY. The section of this Act enacting
28 section 422.7, subsection 51, applies to tax years beginning on
29 or after January 1, 2016.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill provides education savings grants for pupils
34 attending a nonpublic school or receiving competent private
35 instruction and establishes an education savings grant fund.

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1 Under the bill, pupils eligible to enroll in grades
2 kindergarten through 12 and attending a nonpublic school or
3 receiving competent private instruction under Code chapter
4 299A are eligible to receive an education savings grant for
5 school years beginning on or after July 1, 2016. By January 31
6 preceding the school year for which the education savings grant
7 is requested, the parent or guardian of the pupil requesting to
8 receive an education savings grant must submit an application
9 to the department of education indicating that the parent or
10 guardian intends to enroll the pupil in a nonpublic school or
11 provide competent private instruction for the pupil.

12 The bill requires that by March 1 preceding the school
13 year for which the education savings grant is requested,
14 the department of education must notify the department of
15 management of the number of pupils in each school district
16 designated for the following school year to receive an
17 education savings grant and the amount of the education
18 savings grant for each pupil. Education savings grants must
19 be approved for each school year and applications must be
20 submitted each year.

21 The amount of each education savings grant is equal to the
22 statewide average regular program state foundation aid per
23 pupil in the same school year.

24 The bill creates an education savings grant fund in the state
25 treasury under the control of the department of management
26 consisting of moneys appropriated to the department for the
27 purpose of providing education savings grants. For the fiscal
28 year commencing July 1, 2016, and each succeeding fiscal year,
29 there is appropriated from the general fund of the state to the
30 department of management for deposit in the fund the amount
31 necessary to pay all education savings grants approved for
32 that fiscal year. For each pupil approved for an education
33 savings grant, the department of management must establish an
34 account for that pupil in the education savings grant fund.
35 The amount of the pupil's education savings grant is deposited

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1 into the pupil's account on July 1 and such amount is available
2 for use by parents and guardians for the payment of qualified
3 educational expenses, as defined in the bill, incurred by the
4 parent or guardian for the pupil during that fiscal year. The
5 bill specifies that "qualified educational expenses" does not
6 include tuition at a nonpublic school where the tuition charged
7 per student, prior to any scholarships or other reductions,
8 exceeds the regular program state cost per pupil for the same
9 school year.

10 The bill authorizes the department of education to
11 contract with a private financial management firm to manage
12 the education savings grant fund, in collaboration with the
13 treasurer of state, including providing for the disbursement
14 of education savings grants in the form of an electronic debit
15 card or checks that are payable directly from the pupil's
16 account within the fund.

17 The bill provides that moneys remaining in a pupil's account
18 upon the conclusion of the fiscal year shall remain in the
19 pupil's account in the education savings grant fund for the
20 payment of qualified educational expenses in future fiscal
21 years or for higher education costs as authorized in the bill.

22 Under the bill, for each pupil with a positive balance in
23 the pupil's account in the education savings grant fund upon
24 graduation from high school or completion of an equivalent
25 level of competent private instruction under Code chapter
26 299A, the department of management is required to maintain the
27 account in the fund until the pupil reaches an age specified in
28 the bill. Until the pupil reaches the age limitation, moneys
29 in the pupil's account may be used by the pupil for higher
30 education costs, as defined in Code section 12D.1. Moneys in a
31 pupil's account when the pupil reaches the age limitation are
32 transferred by the department of management for deposit in the
33 general fund of the state.

34 The bill provides that a person who makes a false claim for
35 the purpose of obtaining an education savings grant or who

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1 knowingly receives the grant or makes a payment from an account
2 in the education savings grant fund without being legally
3 entitled to it is guilty of a fraudulent practice and is
4 subject to a criminal penalty. The bill allows the department
5 of management to initiate legal proceedings to recover grants
6 and amounts improperly awarded or paid.

7 The bill provides that an education savings grant received
8 by a taxpayer is not taxable income under Code section 422.7,
9 subsection 51. This provision of the bill applies to tax years
10 beginning on or after January 1, 2016.

11 The bill applies to school budget years and fiscal years
12 beginning on or after July 1, 2016.



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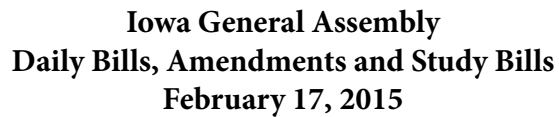
Senate File 253 - Introduced

SENATE FILE 253
BY WHITVER and DEARDEN

A BILL FOR

1 An Act relating to academic eligibility of English as a
2 second language students to participate in high school
3 interscholastic athletic contests and competitions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2133XS (3) 86
je/rj



1 Section 1. NEW SECTION. 280.13D Interscholastic athletic
2 contests and competitions — academic eligibility — English as
3 a second language.

4 A student in an English as a second language program shall
5 not be denied eligibility to participate in interscholastic
6 athletic contests or competitions on the basis of academic
7 performance if the student is making adequate progress, as
8 determined by the student's school, toward the goals and
9 objectives in the student's English as a second language
10 program.

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

LSB 2133XS (3) 86
je/rj



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Senate File 254 - Introduced

SENATE FILE 254
BY WHITVER and DEARDEN

A BILL FOR

1 An Act relating to academic ineligibility to participate
2 in high school interscholastic athletic contests and
3 competitions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2125XS (3) 86
je/rj



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S.F. 254

1 Section 1. NEW SECTION. 280.13D Interscholastic athletic
2 contests and competitions — academic ineligibility.

3 A student who is a contestant in interscholastic athletic
4 contests or competitions and who is given a failing grade at
5 the end of any grading period in any course for which credit
6 is awarded shall be ineligible to dress for and compete in
7 the next occurring interscholastic athletic contests and
8 competitions in which the student is a contestant for a period
9 of time equal to one-third of the applicable interscholastic
10 athletic season. For purposes of this section, "*grading period*"
11 means the period of time at the end of which a student in grades
12 nine through twelve receives a final grade and course credit
13 is awarded for passing grades.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill provides that a student who is a contestant in
18 interscholastic athletic contests or competitions and who is
19 given a failing grade at the end of any grading period in any
20 course for which credit is awarded shall be ineligible to dress
21 for and compete in the next occurring interscholastic athletic
22 contests and competitions in which the student is a contestant
23 for a period of time equal to one-third of the applicable
24 interscholastic athletic season.

25 Administrative rules adopted by the state department of
26 education currently provide that such a period of ineligibility
27 shall last for 30 consecutive calendar days.

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Senate File 255 - Introduced

SENATE FILE 255

BY JOCHUM, SINCLAIR, McCOY,
QUIRMBACH, DVORSKY,
DOTZLER, BOLKCOM, PETERSEN,
and HORN

A BILL FOR

1 An Act extending the period of time for collecting sales tax
2 for deposit in the secure an advanced vision for education
3 fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 2369XS (4) 86
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S.F. 255

1 Section 1. Section 423.2, subsection 11, paragraph b,
2 subparagraph (3), Code 2015, is amended to read as follows:

3 (3) Transfer one-sixth of the remaining revenues to the
4 secure an advanced vision for education fund created in section
5 423F.2. This subparagraph (3) is repealed ~~December 31, 2029~~
6 effective January 1, 2050.

7 Sec. 2. Section 423.2, subsection 13, Code 2015, is amended
8 to read as follows:

9 13. The sales tax rate of six percent is immediately reduced
10 to five percent following repeal of chapter 423F, section
11 423.3, subsection 11, paragraph "b", and section 423.43,
12 subsection 1, paragraph "b", on January 1, 2030 2050.

13 Sec. 3. Section 423.5, subsection 5, Code 2015, is amended
14 to read as follows:

15 5. The use tax rate of six percent is immediately reduced
16 to five percent following the repeal of chapter 423F, section
17 423.3, subsection 11, paragraph "b", and section 423.43,
18 subsection 1, paragraph "b", on January 1, 2030 2050.

19 Sec. 4. Section 423.43, subsection 1, paragraph b, Code
20 2015, is amended to read as follows:

21 b. Subsequent to the deposit into the general fund of
22 the state and after the transfer of such revenues collected
23 under chapter 423B, the department shall transfer one-sixth of
24 such remaining revenues to the secure an advanced vision for
25 education fund created in section 423F.2. This paragraph is
26 repealed ~~December 31, 2029~~ effective January 1, 2050.

27 Sec. 5. Section 423F.6, Code 2015, is amended to read as
28 follows:

29 **423F.6 Repeal.**

30 This chapter is repealed ~~December 31, 2029~~ effective January
31 1, 2050.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 Code section 423.2 imposes a state tax of 6 percent upon

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1 the sales price of all sales of tangible personal property,
2 consisting of goods, wares, merchandise, and other items
3 designated by statute, sold at retail in the state to
4 consumers, except as otherwise provided by Code chapter 423.
5 Generally, by operation of law, a sale subject to the sales
6 tax is also subject to the use tax. Following the transfer
7 of amounts required for the natural resources and outdoor
8 recreation trust fund, one-sixth of the remaining state sales
9 tax revenue from the 6 percent tax is transferred to the
10 secure an advanced vision for education (SAVE) fund created in
11 Code section 423F.2. Moneys in the SAVE fund are allocated
12 to school districts on a per pupil basis to be used for
13 infrastructure and property tax reduction purposes specified
14 in Code chapter 423F. Under current law, the sales tax rate of
15 6 percent is reduced to 5 percent on January 1, 2030, and Code
16 chapter 423F, along with other corresponding provisions, is
17 repealed December 31, 2029.
18 This bill extends the 6 percent sales tax rate, the
19 allocation to the SAVE fund, and the statutory repeal of Code
20 chapter 423F until January 1, 2050.



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Senate File 256 - Introduced

SENATE FILE 256
BY BOLKCOM

A BILL FOR

1 An Act providing for the application of manure originating
2 from an animal feeding operation, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1710XS (4) 86
da/rj



Iowa General Assembly
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S.F. 256

1 Section 1. Section 459.102, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 48A. "*Rainfall event*" means any period of
4 continuous rainfall.

5 NEW SUBSECTION. 50A. "*Saturated ground*" means the top
6 two inches of soil that due to precipitation can no longer
7 absorb liquid as determined according to rules adopted by the
8 department.

9 Sec. 2. Section 459.312, subsection 10, paragraph h, Code
10 2015, is amended by striking the paragraph.

11 Sec. 3. Section 459.313A, Code 2015, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **459.313A Application of manure on land — authorized and**
14 **prohibited — exceptions.**

15 1. A person may apply manure originating from an animal
16 feeding operation on frozen ground, saturated ground, or snow
17 covered ground, except to the extent otherwise provided by
18 applicable requirements in this section, this chapter, or the
19 national pollutant discharge elimination system pursuant to
20 the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as
21 amended, and 40 C.F.R. pts. 122 and 412.

22 2. A person shall not apply liquid manure, originating
23 from a manure storage structure that is part of a confinement
24 feeding operation, on land that is any of the following:

25 a. Frozen ground, saturated ground, or snow-covered ground.

26 b. Located in a five-digit zip code area that is subject to
27 a rainfall event as forecast by the national weather service,
28 immediately prior to the beginning of the rainfall event,
29 predicting a fifty percent or greater probability that the area
30 will receive more than one quarter inch of rain during the
31 rainfall event's first twenty-four hours. In that case, the
32 person shall not apply the liquid manure for twenty-four hours
33 from the beginning of the rainfall event.

34 3. Subsection 2 does not apply to the application of liquid
35 manure that is any of the following:

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1 a. Originates from a manure storage structure that is part
2 of a small animal feeding operation.

3 b. Is injected into the soil or incorporated within the soil
4 on the same date as the manure is first applied.

EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 BILL. This bill allows a person to apply manure originating
9 from an animal feeding operation, unless it is liquid manure
10 originating from a confinement feeding operation. In that
11 case, the bill prohibits the application of such liquid manure
12 on saturated ground as well as on frozen or snow-covered
13 ground regardless of the season. The prohibition also applies
14 and requires a 24-hour delay if the national weather service
15 forecasts rain. The prohibitions do not apply: (1) if the
16 manure originates from a small animal feeding operation or (2)
17 the manure is injected or incorporated.

18 CURRENT LAW. Generally, a person may apply manure
19 originating from an animal feeding operation on snow-covered
20 or frozen ground, except during a period beginning in winter
21 and ending in early spring. However, an exception allows such
22 application if there is an emergency, the manure originates
23 from a small animal feeding operation, or if the manure is
24 injected or incorporated. The prohibition is enforced by the
25 department of natural resources.

26 TERMS. An "animal feeding operation" is a place where
27 animals (cattle, swine, horses, sheep, chickens, turkeys,
28 or fish) are confined for 45 or more days in a 12-month
29 period. A "confinement feeding operation" is an animal feeding
30 operation in which animals are confined in roofed areas (e.g.,
31 buildings). A small animal feeding operation uses a formed
32 manure storage that has less than a 500 animal unit capacity
33 (e.g., 1,250 head of hogs weighing more than 55 pounds).
34 Injection is the process of applying manure beneath the soil
35 surface and incorporation is a process that mixes manure into

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1 the soil.

2 APPLICABLE PENALTIES. A person who applies liquid manure
3 in violation of the prohibition would be subject to a civil
4 penalty, that may be administratively assessed by the
5 department, in an amount of not more than \$10,000 (Code section
6 455B.109), or judicially assessed for an amount not more than
7 \$5,000 per each day of the violation (Code section 455B.191).
8 Collected moneys would be deposited into the watershed
9 improvement fund (Code sections 459.603 and 466A.2).



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Senate File 257 - Introduced

SENATE FILE 257
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1168)

A BILL FOR

1 An Act relating to transportation funding by limiting the term
2 of indebtedness for certain county projects, modifying
3 certain permit fees, modifying the rate of the excise taxes
4 on motor fuel and certain special fuel, establishing a fuel
5 distribution percentage formula for certain special fuel
6 used in motor vehicles, requiring legislative review of
7 the fuel distribution percentage formulas, extending the
8 repeal date of the access Iowa highway plan, and including
9 effective date provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 312.2A Restrictions on use.
2 Moneys credited pursuant to section 312.2, subsection
3 1, paragraphs "b" and "c", and section 312.2, subsection
4 12, paragraph "a", shall not be used for debt service or to
5 otherwise pay principal and interest on bonds, loans, or other
6 indebtedness issued or incurred on or after the effective date
7 of this section of this Act, including refunding, reissuance,
8 or other refinancing of such indebtedness, or refunding,
9 reissuance, or other refinancing of indebtedness issued or
10 incurred prior to the effective date of this section of this
11 Act, if the term for repayment of the indebtedness as financed
12 or refinanced would exceed the useful life of the asset being
13 constructed, reconstructed, improved, repaired, equipped, or
14 maintained.

15 Sec. 2. NEW SECTION. 315.4A Restrictions on use.
16 Moneys allocated pursuant to section 315.4, subsection 1,
17 paragraph "b", and section 315.4, subsection 2, shall not
18 be used for debt service or to otherwise pay principal and
19 interest on bonds, loans, or other indebtedness issued or
20 incurred on or after the effective date of this section of this
21 Act, including refunding, reissuance, or other refinancing
22 of such indebtedness, or refunding, reissuance, or other
23 refinancing of indebtedness issued or incurred prior to
24 the effective date of this section of this Act, if the term
25 for repayment of the indebtedness as financed or refinanced
26 would exceed the useful life of the asset being constructed,
27 reconstructed, improved, repaired, equipped, or maintained.

28 Sec. 3. Section 321E.14, subsection 1, Code 2015, is amended
29 to read as follows:

30 1. Permit-issuing authorities may charge the following
31 fees:

32 a. ~~Twenty-five~~ Fifty dollars for an annual permit issued
33 pursuant to section 321E.8, subsection 1.

34 b. ~~Three~~ Four hundred dollars for an annual permit issued
35 pursuant to section 321E.8, subsection 2.

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1 *c.* Two hundred dollars for a multi-trip permit issued
2 pursuant to section 321E.9A.

3 *d.* Six hundred dollars for a special alternative energy
4 multi-trip permit issued pursuant to section 321E.9B.

5 *e.* ~~Ten~~ Thirty-five dollars for a single-trip permit issued
6 pursuant to section 321E.9.

7 *f.* Twenty-five dollars for an annual permit for special
8 mobile equipment, as defined in section 321.1, subsection
9 74, issued pursuant to section 321E.7, subsection 3, with a
10 combined gross weight of not more than eighty thousand pounds.

11 *g.* Twenty-five dollars for a permit issued pursuant to
12 section 321E.29 or 321E.29A.

13 *h.* One hundred dollars for a permit issued pursuant to
14 section 321E.30.

15 *i.* One hundred ~~twenty~~ sixty dollars for an annual
16 all-systems permit issued pursuant to section 321E.8, which
17 shall be deposited in the road use tax fund.

18 Sec. 4. NEW SECTION. **331.443A Restrictions on certain**
19 **projects.**

20 The term of any indebtedness issued or incurred by a county
21 that will be paid in whole or in part with moneys from the
22 secondary road fund of the counties, the farm-to-market road
23 fund, the county bridge construction fund, or the revitalize
24 Iowa's sound economy fund, or any other moneys that may be
25 allocated from the road use tax fund for use by counties, shall
26 be subject to the provisions of sections 312.2A and 315.4A.

27 Sec. 5. Section 452A.3, subsection 1, unnumbered paragraph
28 1, Code 2015, is amended to read as follows:

29 Except as otherwise provided in this section and in this
30 division, until June 30, ~~2015~~ 2020, this subsection shall apply
31 to the excise tax imposed on each gallon of motor fuel used for
32 any purpose for the privilege of operating motor vehicles in
33 this state.

34 Sec. 6. Section 452A.3, subsection 1, paragraph b, Code
35 2015, is amended to read as follows:

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1 *b.* The rate for the excise tax shall be as follows:

2 (1) If the distribution percentage is not greater than
3 fifty percent, the rate shall be ~~nineteen~~ twenty-nine cents for
4 ethanol blended gasoline and ~~twenty~~ thirty cents for motor fuel
5 other than ethanol blended gasoline.

6 (2) If the distribution percentage is greater than fifty
7 percent but not greater than fifty-five percent, the rate shall
8 be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and
9 ~~twenty~~ thirty and one-tenth cents for motor fuel other than
10 ethanol blended gasoline.

11 (3) If the distribution percentage is greater than
12 fifty-five percent but not greater than sixty percent, the
13 rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended
14 gasoline and ~~twenty~~ thirty and three-tenths cents for motor
15 fuel other than ethanol blended gasoline.

16 (4) If the distribution percentage is greater than sixty
17 percent but not greater than sixty-five percent, the rate shall
18 be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and
19 ~~twenty~~ thirty and five-tenths cents for motor fuel other than
20 ethanol blended gasoline.

21 (5) If the distribution percentage is greater than
22 sixty-five percent but not greater than seventy percent, the
23 rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended
24 gasoline and ~~twenty~~ thirty and seven-tenths cents for motor
25 fuel other than ethanol blended gasoline.

26 (6) If the distribution percentage is greater than seventy
27 percent but not greater than seventy-five percent, the rate
28 shall be ~~nineteen~~ twenty-nine cents for ethanol blended
29 gasoline and ~~twenty-one~~ thirty-one cents for motor fuel other
30 than ethanol blended gasoline.

31 (7) If the distribution percentage is greater than
32 seventy-five percent but not greater than eighty percent, the
33 rate shall be ~~nineteen~~ twenty-nine and three-tenths cents for
34 ethanol blended gasoline and ~~twenty~~ thirty and eight-tenths
35 cents for motor fuel other than ethanol blended gasoline.

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1 (8) If the distribution percentage is greater than eighty
2 percent but not greater than eighty-five percent, the rate
3 shall be ~~nineteen~~ twenty-nine and five-tenths cents for ethanol
4 blended gasoline and ~~twenty~~ thirty and seven-tenths cents for
5 motor fuel other than ethanol blended gasoline.

6 (9) If the distribution percentage is greater than
7 eighty-five percent but not greater than ninety percent, the
8 rate shall be ~~nineteen~~ twenty-nine and seven-tenths cents for
9 ethanol blended gasoline and ~~twenty~~ thirty and four-tenths
10 cents for motor fuel other than ethanol blended gasoline.

11 (10) If the distribution percentage is greater than ninety
12 percent but not greater than ninety-five percent, the rate
13 shall be ~~nineteen~~ twenty-nine and nine-tenths cents for ethanol
14 blended gasoline and ~~twenty~~ thirty and one-tenth cents for
15 motor fuel other than ethanol blended gasoline.

16 (11) If the distribution percentage is greater than
17 ninety-five percent, the rate shall be ~~twenty~~ thirty cents for
18 ethanol blended gasoline and ~~twenty~~ thirty cents for motor fuel
19 other than ethanol blended gasoline.

20 Sec. 7. Section 452A.3, subsection 1, Code 2015, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. c. The provisions of paragraph "b" and
23 subsection 6, paragraph "a", subparagraph (2), shall be
24 subject to legislative review at least every six years. The
25 review shall be based upon a fuel distribution percentage
26 formula status report containing the recommendations of a
27 legislative interim committee appointed to conduct a review
28 of the fuel distribution percentage formulas, to be prepared
29 with the assistance of the department of revenue in association
30 with the department of transportation. The report shall
31 include recommendations for changes or revisions to the
32 fuel distribution percentage formulas based upon advances
33 in technology, fuel use trends, and fuel price fluctuations
34 observed during the preceding six-year interval; an analysis
35 of the operation of the fuel distribution percentage formulas

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1 during the preceding six-year interval; and a summary of issues
2 that have arisen since the previous review and potential
3 approaches for resolution of those issues. The first such
4 report shall be submitted to the general assembly no later
5 than January 1, 2020, with subsequent reports developed and
6 submitted by January 1 at least every sixth year thereafter.

7 Sec. 8. Section 452A.3, subsection 2, Code 2015, is amended
8 to read as follows:

9 2. Except as otherwise provided in this section and in this
10 division, after June 30, ~~2015~~ 2020, an excise tax of ~~twenty~~
11 thirty cents is imposed on each gallon of motor fuel used for
12 any purpose for the privilege of operating motor vehicles in
13 this state.

14 Sec. 9. Section 452A.3, subsection 6, Code 2015, is amended
15 to read as follows:

16 6. a. For the privilege of operating motor vehicles or
17 aircraft in this state, there is imposed an excise tax on the
18 use of special fuel in a motor vehicle or aircraft. ~~The tax~~
19 ~~rate on special fuel for diesel engines of motor vehicles is~~
20 ~~twenty-two and one-half cents per gallon.~~

21 (1) Except as otherwise provided in this section and in
22 this division, after June 30, 2020, the tax rate on special
23 fuel for diesel engines of motor vehicles used for any purpose
24 for the privilege of operating motor vehicles in this state is
25 thirty-two and five-tenths cents per gallon.

26 (2) Except as provided in this section and in this
27 division, until June 30, 2020, this subparagraph shall apply
28 to the excise tax imposed on each gallon of special fuel for
29 diesel engines of motor vehicles used for any purpose for the
30 privilege of operating motor vehicles in this state. The rate
31 of the excise tax shall be based on the number of gallons of
32 biodiesel blended fuel classified as B-11 or higher that is
33 distributed in this state as expressed as a percentage of the
34 number of gallons of special fuel for diesel engines of motor
35 vehicles distributed in this state, which is referred to as

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1 the distribution percentage. The department shall determine
2 the percentage basis for each determination period beginning
3 January 1 and ending December 31. The rate for the excise tax
4 shall apply for the period beginning July 1 and ending June 30
5 following the end of the determination period. The rate for
6 the excise tax shall be as follows:

7 (a) If the distribution percentage is not greater than fifty
8 percent, the rate shall be twenty-nine and five-tenths cents
9 for biodiesel blended fuel classified as B-11 or higher and
10 thirty-two and five-tenths cents for special fuel for diesel
11 engines of motor vehicles other than biodiesel blended fuel
12 classified as B-11 or higher.

13 (b) If the distribution percentage is greater than fifty
14 percent but not greater than fifty-five percent, the rate
15 shall be twenty-nine and eight-tenths cents for biodiesel
16 blended fuel classified as B-11 or higher and thirty-two and
17 five-tenths cents for special fuel for diesel engines of motor
18 vehicles other than biodiesel blended fuel classified as B-11
19 or higher.

20 (c) If the distribution percentage is greater than
21 fifty-five percent but not greater than sixty percent, the rate
22 shall be thirty and one-tenth cents for biodiesel blended fuel
23 classified as B-11 or higher and thirty-two and five-tenths
24 cents for special fuel for diesel engines of motor vehicles
25 other than biodiesel blended fuel classified as B-11 or higher.

26 (d) If the distribution percentage is greater than sixty
27 percent but not greater than sixty-five percent, the rate shall
28 be thirty and four-tenths cents for biodiesel blended fuel
29 classified as B-11 or higher and thirty-two and five-tenths
30 cents for special fuel for diesel engines of motor vehicles
31 other than biodiesel blended fuel classified as B-11 or higher.

32 (e) If the distribution percentage is greater than
33 sixty-five percent but not greater than seventy percent, the
34 rate shall be thirty and seven-tenths cents for biodiesel
35 blended fuel classified as B-11 or higher and thirty-two and

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1 five-tenths cents for special fuel for diesel engines of motor
2 vehicles other than biodiesel blended fuel classified as B-11
3 or higher.

4 (f) If the distribution percentage is greater than seventy
5 percent but not greater than seventy-five percent, the rate
6 shall be thirty-one cents for biodiesel blended fuel classified
7 as B-11 or higher and thirty-two and five-tenths cents for
8 special fuel for diesel engines of motor vehicles other than
9 biodiesel blended fuel classified as B-11 or higher.

10 (g) If the distribution percentage is greater than
11 seventy-five percent but not greater than eighty percent, the
12 rate shall be thirty-one and three-tenths cents for biodiesel
13 blended fuel classified as B-11 or higher and thirty-two and
14 five-tenths cents for special fuel for diesel engines of motor
15 vehicles other than biodiesel blended fuel classified as B-11
16 or higher.

17 (h) If the distribution percentage is greater than eighty
18 percent but not greater than eighty-five percent, the rate
19 shall be thirty-one and six-tenths cents for biodiesel
20 blended fuel classified as B-11 or higher and thirty-two and
21 five-tenths cents for special fuel for diesel engines of motor
22 vehicles other than biodiesel blended fuel classified as B-11
23 or higher.

24 (i) If the distribution percentage is greater than
25 eighty-five percent but not greater than ninety percent, the
26 rate shall be thirty-one and nine-tenths cents for biodiesel
27 blended fuel classified as B-11 or higher and thirty-two and
28 five-tenths cents for special fuel for diesel engines of motor
29 vehicles other than biodiesel blended fuel classified as B-11
30 or higher.

31 (j) If the distribution percentage is greater than ninety
32 percent but not greater than ninety-five percent, the rate
33 shall be thirty-two and two-tenths cents for biodiesel
34 blended fuel classified as B-11 or higher and thirty-two and
35 five-tenths cents for special fuel for diesel engines of motor

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1 vehicles other than biodiesel blended fuel classified as B-11
2 or higher.

3 (k) If the distribution percentage is greater than
4 ninety-five percent, the rate shall be thirty-two and
5 five-tenths cents for biodiesel blended fuel classified as B-11
6 or higher and thirty-two and five-tenths cents for special
7 fuel for diesel engines of motor vehicles other than biodiesel
8 blended fuel classified as B-11 or higher.

9 (3) The rate of tax on special fuel for aircraft is ~~three~~
10 five cents per gallon.

11 (4) On all other special fuel, unless otherwise specified in
12 this section, the per gallon rate is the same as the motor fuel
13 tax.

14 b. Indelible dye meeting United States environmental
15 protection agency and internal revenue service regulations must
16 be added to fuel before or upon withdrawal at a terminal or
17 refinery rack for that fuel to be exempt from tax and the dyed
18 fuel may be used only for an exempt purpose.

19 Sec. 10. Section 452A.3, subsections 7, 8, and 9, Code 2015,
20 are amended to read as follows:

21 7. For liquefied petroleum gas used as a special fuel, the
22 rate of tax shall be ~~twenty~~ thirty cents per gallon.

23 8. For compressed natural gas used as a special fuel, the
24 rate of tax is ~~twenty-one~~ thirty-one cents per gallon.

25 9. For liquefied natural gas used as a special fuel, the
26 rate of tax is ~~twenty-two~~ thirty-two and one-half cents per
27 gallon.

28 Sec. 11. 2005 Iowa Acts, chapter 178, section 41, subsection
29 3, is amended to read as follows:

30 3. REPEAL. This section is repealed effective July 1, ~~2015~~
31 2025.

32 Sec. 12. LEGISLATIVE INTENT.

33 1. It is the intent of the general assembly that one
34 hundred percent of the revenue produced as a result of the
35 increase in the excise taxes on motor fuel and certain special

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1 fuel enacted in this Act and credited to the secondary road
2 fund or the farm-to-market road fund from the road use tax
3 fund pursuant to section 312.2, subsection 1, shall be used
4 exclusively for critical road and bridge construction projects
5 that significantly extend the life of such assets.

6 2. It is the intent of the general assembly that the state
7 department of transportation and the state transportation
8 commission shall utilize one hundred percent of the revenue
9 produced as a result of the increase in the excise taxes on
10 motor fuel and certain special fuel enacted in this Act that
11 is allocated to the department on critical road and bridge
12 construction projects. The department shall identify the
13 critical road and bridge construction projects funded with such
14 revenue in the department's annual five-year transportation
15 improvement program report.

16 3. The department of transportation shall identify ten
17 million dollars in efficiencies for the fiscal year beginning
18 July 1, 2015, and ten million dollars in efficiencies for
19 the fiscal year beginning July 1, 2016, in addition to the
20 identification of any other efficiencies as required by law.
21 The department shall provide details of activities undertaken
22 to implement these efficiencies in the annual "Road Use Tax
23 Fund Efficiency Report" required by 2012 Iowa Acts, chapter
24 1129, section 4, as amended by 2014 Iowa Acts, chapter 1123,
25 section 21.

26 Sec. 13. INVENTORY TAX EXEMPTION. Notwithstanding
27 section 452A.85, persons who have title to motor fuel, ethanol
28 blended gasoline, undyed special fuel, compressed natural
29 gas, liquefied natural gas, or liquefied petroleum gas in
30 storage and held for sale on the effective date of an increase
31 in the rate of excise tax imposed on motor fuel, ethanol
32 blended gasoline, undyed special fuel, compressed natural gas,
33 liquefied natural gas, or liquefied petroleum gas pursuant
34 to this Act shall not be subject to an inventory tax on the
35 gallonage in storage as a result of the tax increases provided

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1 in this Act.

2 Sec. 14. EFFECTIVE UPON ENACTMENT. The following
3 provisions of this Act, being deemed of immediate importance,
4 take effect upon enactment:

5 1. The section of this Act enacting section 312.2A.

6 2. The section of this Act enacting section 315.4A.

7 3. The section of this Act enacting section 331.443A.

8 4. The section of this Act amending 2005 Iowa Acts, chapter
9 178, section 41.

10 Sec. 15. EFFECTIVE DATES.

11 1. Except as otherwise provided in this Act, this Act
12 takes effect the first day of the month following the month of
13 enactment of this Act.

14 2. The section of this Act amending section 321E.14 takes
15 effect January 1, 2016.

16 3. The section of this Act amending section 452A.3,
17 subsection 6, takes effect July 1, 2015.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to transportation funding by limiting the
22 term of indebtedness for certain county projects, modifying
23 certain permit fees, modifying the rate of the excise taxes
24 on motor fuel and certain special fuel, establishing a fuel
25 distribution percentage formula for certain special fuel used
26 in motor vehicles, requiring legislative review of the fuel
27 distribution percentage formulas, and extending the repeal date
28 of the access Iowa highway plan.

29 The bill provides for limitations on the use by counties of
30 moneys allocated from the road use tax fund, including moneys
31 from the secondary road fund, the farm-to-market road fund, the
32 county bridge construction fund, and the RISE fund. The bill
33 provides that such moneys shall not be used for debt service
34 or to otherwise pay principal and interest on bonds, loans, or
35 other indebtedness issued or incurred on or after the effective

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1 date of this section of the bill, including refunding,
2 reissuance, or other refinancing of such indebtedness, or
3 refunding, reissuance, or other refinancing of indebtedness
4 issued or incurred prior to the effective date of this section
5 of the bill, if the term for repayment of the indebtedness as
6 financed or refinanced would exceed the useful life of the
7 asset being constructed, reconstructed, improved, repaired,
8 equipped, or maintained.

9 Beginning January 1, 2016, the bill provides for increases
10 in fees for single-trip permits, all-systems permits, and
11 certain permits relating to length, height, and gross weight of
12 vehicles of excessive size and weight (Code chapter 321E).

13 The bill increases by 10 cents the rate of the excise tax on
14 motor fuel, special fuel for diesel engines, compressed natural
15 gas, liquefied natural gas, and liquefied petroleum gas, and
16 increases by 2 cents the rate of the excise tax on special fuel
17 for aircraft. In addition, the bill establishes a distribution
18 percentage formula for biodiesel blended fuel classified as
19 B-11 or higher and special fuel for diesel engines of motor
20 vehicles other than biodiesel blended fuel classified as B-11
21 or higher. If the distribution percentage is not greater than
22 50 percent, the tax rate for biodiesel blended fuel classified
23 as B-11 or higher is 29.5 cents, 3 cents less than special
24 fuel for diesel engines of motor vehicles other than biodiesel
25 blended fuel classified as B-11 or higher. As the distribution
26 percentage increases, the difference in the tax rates on the
27 two types of fuel decreases until the distribution percentage
28 is greater than 95 percent, at which point the tax rate for
29 both types of fuel is 32.5 cents.

30 The bill provides that both fuel distribution percentage
31 formulas will expire on June 30, 2020. The bill also provides
32 that both distribution percentage formulas shall be subject
33 to legislative review at least every six years. The review
34 shall be based upon a report containing the recommendations of
35 a legislative interim committee appointed to conduct a review

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1 of the fuel distribution percentage formulas, to be prepared
2 with the assistance of the department of revenue in association
3 with the department of transportation. The report shall
4 include recommendations for changes or revisions to the fuel
5 distribution percentage formulas. The first such report shall
6 be submitted to the general assembly no later than January 1,
7 2020.

8 The 2005 Iowa Acts provide for the designation of certain
9 highways as access Iowa highways, which receive priority
10 funding from certain moneys in the TIME-21 and RISE funds
11 created in Code sections 312A.2 and 315.2. These provisions
12 will be repealed by operation of law on July 1, 2015. The bill
13 extends the date of repeal to July 1, 2025.

14 The bill provides that it is the intent of the general
15 assembly that 100 percent of the revenue produced as a result
16 of the increase in the excise taxes on motor fuel and certain
17 special fuel enacted in the bill and credited to the secondary
18 road fund or the farm-to-market road fund from the road use tax
19 fund shall be used exclusively for critical road and bridge
20 construction projects that significantly extend the life of
21 such assets. In addition, the bill provides that it is also
22 the intent of the general assembly that the state department of
23 transportation and the state transportation commission shall
24 utilize 100 percent of the revenue produced as a result of the
25 increase in the excise taxes on motor fuel and certain special
26 fuel enacted in the bill that is allocated to the department on
27 critical road and bridge construction projects. The department
28 shall identify the critical road and bridge construction
29 projects funded with such revenue in the department's annual
30 five-year transportation improvement program report.

31 The bill further provides that the department of
32 transportation shall identify \$10 million in efficiencies for
33 the fiscal year beginning July 1, 2015, and \$10 million in
34 efficiencies for the fiscal year beginning July 1, 2016. The
35 department shall provide details of activities undertaken to

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1 implement these efficiencies in the annual "road use tax fund
2 efficiency report".

3 Pursuant to current law, when the rate of excise tax on motor
4 fuel, ethanol blended gasoline, undyed special fuel, compressed
5 natural gas, liquefied natural gas, or liquefied petroleum gas
6 is increased by more than one-half cent per gallon, a person
7 who has title to such fuel held in storage for eventual sale is
8 subject to an inventory tax based on the gallonage in storage
9 at the close of the business day preceding the effective date
10 of the increase. The bill provides that the inventory tax
11 shall not be imposed as a result of the tax increases provided
12 in the bill.

13 The bill takes effect the first day of the month following
14 the month of enactment except as follows: the section of the
15 bill modifying certain permit fees takes effect January 1,
16 2016, the section of the bill modifying the excise taxes on
17 special fuel for diesel engines and aircraft and creating the
18 distribution percentage formula for biodiesel blended fuel and
19 special fuel for diesel engines takes effect July 1, 2015, and
20 the sections of the bill limiting the term of indebtedness for
21 certain county projects and the section of the bill relating
22 to extending the access Iowa highway plan take effect upon
23 enactment.



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Senate Resolution 10 - Introduced

SENATE RESOLUTION NO. 10

BY BOLKCOM, DVORSKY, HART, HOGG, TAYLOR, BISIGNANO,
and DANIELSON

1 A Resolution affirming Iowa's commitment to net
2 neutrality.

3 WHEREAS, broadband Internet access is an essential
4 part of daily life for all people in Iowa and networks
5 are often becoming our basic and only communication
6 platform, and Governor Branstad and the Iowa General
7 Assembly have recognized the importance of extending
8 broadband Internet access to all Iowans; and

9 WHEREAS, access to an open Internet is important
10 for each and every constituent of Iowa as the Internet
11 becomes a driver of our economy, our educational
12 system, our health care services, our government
13 institutions, and our democratic discourse; and

14 WHEREAS, access to an open Internet gives
15 individuals, associations, investors, and entrepreneurs
16 the power to run small businesses, contribute to the
17 marketplace of ideas, partake in civic engagement, and
18 exercise freedom of speech; and

19 WHEREAS, the open Internet developed and thrived
20 under the principle that broadband providers cannot
21 block, discriminate against, or interfere with the
22 lawful content, applications, and services that
23 these broadband networks carry, and that broadband
24 customers may choose to access over the broadband
25 connections; and

26 WHEREAS, this principle, commonly referred to as
27 "net neutrality", protects innovation and creativity



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1 by preventing broadband providers from unreasonably
2 favoring or prioritizing their own voice, video,
3 messaging, or other communications services over
4 offerings from entities unaffiliated with such
5 broadband providers; and

6 WHEREAS, this principle preserved the long-standing
7 ideal of ensuring that communications networks are
8 open to all speakers on similar terms, while ensuring
9 that broadband providers will continue to invest in
10 abundant capacity rather than creating incentives
11 for underinvestment, scarcity, and prioritization of
12 traffic on purposefully congested networks; and

13 WHEREAS, without the continuation of net neutrality,
14 the public will not benefit from competition, job
15 creation, and technological innovation, as our entire
16 economy becomes more vulnerable to the profit motives
17 of large broadband providers that could charge new fees
18 for access to broadband customers; and

19 WHEREAS, violations of net neutrality create
20 uncertainty and the potential for broadband providers
21 to extort fees from Internet sites and thereby threaten
22 Iowa businesses that rely on the Internet, particularly
23 our burgeoning community of technology start-up
24 businesses; and

25 WHEREAS, the federal communications commission's
26 authority to safeguard net neutrality, and to
27 ensure that our nation's broadband networks remain
28 competitive, open, and nondiscriminatory in the
29 carriage of our information has come into question as a
30 result of a federal appellate court decision issued in

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1 January 2014; NOW THEREFORE,

2 BE IT RESOLVED BY THE SENATE, That the Senate
3 supports an open Internet protected by the principle of
4 net neutrality; and

5 BE IT FURTHER RESOLVED, That the Senate supports
6 the federal communications commission's adoption of
7 open Internet rules that will categorically protect
8 our state's residents and businesses from blocking,
9 discrimination, and undue interference by broadband
10 providers with the information the providers carry for
11 their customers; and

12 BE IT FURTHER RESOLVED, That the Senate supports
13 the federal communications commission's use of
14 that agency's jurisdiction over all interstate
15 telecommunications services as the basis of its
16 authority to adopt and enforce these protections
17 for the free flow of information over our nation's
18 essential broadband communications infrastructure; and

19 BE IT FURTHER RESOLVED, That the Senate urges Iowa's
20 United State senators and representatives to support,
21 and make known their support, for strong net neutrality
22 regulations that mandate that broadband providers
23 not block, discriminate against, or interfere with
24 the lawful content, applications, and services that
25 these broadband networks carry and that broadband
26 customers may choose to access over the broadband
27 connections; and

28 BE IT FURTHER RESOLVED, That the Secretary of
29 the Senate is directed to distribute a copy of this
30 resolution to each member of Iowa's congressional

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S.R. 10

1 delegation.



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Senate Resolution 11 - Introduced

SENATE RESOLUTION NO. 11

BY WHITVER and CHELGREN

1 A Resolution requesting the legislative council to
2 establish an interim study committee to study
3 elimination of the income tax in Iowa.

4 WHEREAS, the Iowa income tax creates a substantial
5 financial burden on the citizens of this state as they
6 work hard to grow businesses, educate their children,
7 and save for their future; and

8 WHEREAS, the collection and administration of the
9 income tax represents a substantial expense to the
10 state of Iowa; and

11 WHEREAS, elimination of the income tax could have
12 a positive impact on Iowa's taxpayers, economy, and
13 job growth, without limiting the state's ability to
14 provide for the protection, security, and benefit of
15 its citizens; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the Senate
17 formally requests the legislative council to authorize
18 and establish an interim study committee, composed of
19 members of the Senate and the House of Representatives,
20 to commence meeting during the 2015 interim as soon
21 as practicable. The purpose of the interim committee
22 is to study the feasibility of eliminating the income
23 tax in Iowa and to receive and make recommendations
24 regarding elimination of the income tax, submitting the
25 study committee's conclusions and recommendations in a
26 report to the general assembly by January 1, 2016.

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Senate Study Bill 1184 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the mechanics' notice and lien registry.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2332XC (2) 86
jh/rj



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1 Section 1. Section 572.34, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. The ~~registry~~ administrator shall ~~be indexed~~ index the
4 registry by owner name, general contractor name, mechanics'
5 notice and lien registry number, property address, legal
6 description, tax parcel identification number, and any
7 other identifier considered appropriate as determined by
8 the administrator pursuant to rule. To the extent a legal
9 description conflicts with a property address, tax parcel
10 identification number, or any other identifier considered
11 appropriate by the administrator, the legal description shall
12 define the land to which the lien is attached.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the mechanics' notice and lien
17 registry.

18 Under current law, a mechanics' notice and lien registry
19 exists which is an internet database that provides a central
20 repository for the submission and management of preliminary
21 notices, notices of commencement of work on residential
22 construction properties, and mechanics' liens on all
23 construction properties. The registry is administered by the
24 secretary of state.

25 The bill provides that if a legal description conflicts with
26 a property address, tax parcel identification number, or any
27 other identifier considered appropriate by the administrator,
28 the legal description shall define the land to which the lien
29 is attached.

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Senate Study Bill 1185 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the commission of a class "A" felony by
2 a person under 18 years of age, providing penalties, and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 2259XC (3) 86
jm/rj



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1 Section 1. Section 902.1, subsection 2, Code 2015, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 2. a. Notwithstanding subsection 1, a defendant convicted
5 of murder in the first degree in violation of section 707.2,
6 and who was under the age of eighteen at the time the offense
7 was committed shall receive one the following sentences:

8 (1) Commitment to the director of the department of
9 corrections for the rest of the defendant's life with no
10 possibility of parole unless the governor commutes the sentence
11 to a term of years.

12 (2) Commitment to the custody of the director of the
13 department of corrections for the rest of the defendant's life
14 with the possibility of parole after serving a minimum term of
15 confinement of thirty-five years.

16 (3) Commitment to the custody of the director of the
17 department of corrections for the rest of the defendant's life
18 with the possibility of parole.

19 b. (1) The prosecuting attorney shall provide reasonable
20 notice to the defendant, after conviction and prior to
21 sentencing, of the state's intention to seek a life sentence
22 with no possibility of parole under paragraph "a", subparagraph
23 (1).

24 (2) In determining which sentence to impose, the court shall
25 consider all circumstances including but not limited to the
26 following:

27 (a) The impact of the offense on each victim, as defined in
28 section 915.10, through the use of a victim impact statement,
29 as defined in section 915.10, under any format permitted by
30 section 915.13. The victim impact statement may include
31 comment on the sentence of the defendant.

32 (b) The impact of the offense on the community.

33 (c) The threat to the safety of the public or any individual
34 posed by the defendant.

35 (d) The degree of participation in the murder by the

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1 defendant.

2 (e) The nature of the offense.

3 (f) The defendant's remorse.

4 (g) The defendant's acceptance of responsibility.

5 (h) The severity of the offense, including any of the
6 following:

7 (i) The commission of the murder while participating in
8 another felony.

9 (ii) The number of victims.

10 (iii) The heinous, brutal, cruel manner of the murder,
11 including whether the murder was the result of torture.

12 (i) The capacity of the defendant to appreciate the
13 criminality of the conduct.

14 (j) Whether the ability to conform the defendant's conduct
15 with the requirements of the law was substantially impaired.

16 (k) The level of maturity of the defendant.

17 (l) The intellectual and mental capacity of the defendant.

18 (m) The nature and extent of any prior juvenile delinquency
19 or criminal history of the defendant, including the success or
20 failure of previous attempts at rehabilitation.

21 (n) The mental health history of the defendant.

22 (o) The level of compulsion, duress, or influence exerted
23 upon the defendant, but not to such an extent as to constitute
24 a defense.

25 (p) The likelihood of the commission of further offenses by
26 the defendant.

27 (q) The chronological age of the defendant and the features
28 of youth, including immaturity, impetuosity, and failure to
29 appreciate risks and consequences.

30 (r) The family and home environment that surrounded the
31 defendant.

32 (s) The circumstances of the murder including the extent
33 of the defendant's participation in the conduct and the way
34 familial and peer pressure may have affected the defendant.

35 (t) The competencies associated with youth, including but

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1 not limited to the defendant's inability to deal with peace
2 officers or the prosecution or the defendant's incapacity to
3 assist the defendant's attorney in the defendant's defense.

4 (u) The possibility of rehabilitation.

5 (v) Any other information considered relevant by the
6 sentencing court.

7 Sec. 2. Section 902.1, Code 2015, is amended by adding the
8 following new subsections:

9 NEW SUBSECTION. 3. a. Notwithstanding subsections 1 and 2,
10 a defendant convicted of a class "A" felony, other than murder
11 in the first degree in violation of section 707.2, and who was
12 under the age of eighteen at the time the offense was committed
13 shall receive one of the following sentences:

14 (1) Commitment to the director of the department of
15 corrections for the rest of the defendant's life with
16 the possibility of parole after serving a minimum term of
17 confinement of twenty-five years.

18 (2) Commitment to the custody of the director of the
19 department of corrections for the rest of the defendant's life
20 with the possibility of parole after serving a minimum term of
21 confinement as determined by the court.

22 (3) Commitment to the custody of the director of the
23 department of corrections for the rest of the defendant's life
24 with the possibility of parole.

25 b. (1) The prosecuting attorney shall provide reasonable
26 notice to the defendant, after conviction and prior to
27 sentencing, of the state's intention to seek a life sentence
28 with a mandatory minimum term of confinement of twenty-five
29 years under paragraph "a", subparagraph (1).

30 (2) In determining which sentence to impose, the court shall
31 consider all circumstances including but not limited to the
32 following:

33 (a) The impact of the offense on each victim, as defined in
34 section 915.10, through the use of a victim impact statement,
35 as defined in section 915.10, under any format permitted by

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1 section 915.13. The victim impact statement may include
2 comment on the sentence of the defendant.
3 (b) The impact of the offense on the community.
4 (c) The threat to the safety of the public or any individual
5 posed by the defendant.
6 (d) The degree of participation in the offense by the
7 defendant.
8 (e) The nature of the offense.
9 (f) The defendant's remorse.
10 (g) The defendant's acceptance of responsibility.
11 (h) The severity of the offense, including any of the
12 following:
13 (i) The commission of the offense while participating in
14 another felony.
15 (ii) The number of victims.
16 (iii) The heinous, brutal, cruel manner of the offense,
17 including whether the offense involved torture.
18 (i) The capacity of the defendant to appreciate the
19 criminality of the conduct.
20 (j) Whether the ability to conform the defendant's conduct
21 with the requirements of the law was substantially impaired.
22 (k) The level of maturity of the defendant.
23 (l) The intellectual and mental capacity of the defendant.
24 (m) The nature and extent of any prior juvenile delinquency
25 or criminal history of the defendant, including the success or
26 failure of previous attempts at rehabilitation.
27 (n) The mental health history of the defendant.
28 (o) The level of compulsion, duress, or influence exerted
29 upon the defendant, but not to such an extent as to constitute
30 a defense.
31 (p) The likelihood of the commission of further offenses by
32 the defendant.
33 (q) The chronological age of the defendant and the features
34 of youth, including immaturity, impetuosity, and failure to
35 appreciate risks and consequences.

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1 (r) The family and home environment that surrounded the
2 defendant.

3 (s) The circumstances of the offense including the extent of
4 the defendant's participation in the conduct and the way the
5 familial and peer pressure may have affected the defendant.

6 (t) The competencies associated with youth, including but
7 not limited to the defendant's inability to deal with peace
8 officers or the prosecution or the defendant's incapacity to
9 assist the defendant's attorney in the defendant's defense.

10 (u) The possibility of rehabilitation.

11 (v) Any other information considered relevant by the
12 sentencing court.

13 NEW SUBSECTION. 4. If a defendant is paroled pursuant to
14 subsection 2 or 3, the defendant shall be subject to the same
15 set of procedures set out in chapters 901B, 905, 906, and 908,
16 and rules adopted under those chapters for persons on parole.

17 Sec. 3. Section 903A.2, subsection 5, Code 2015, is amended
18 to read as follows:

19 5. Earned time accrued by inmates serving life sentences
20 imposed under section 902.1 shall not reduce the life sentence,
21 but or any mandatory minimum sentence imposed under section
22 902.1, except that earned time accrued shall be credited
23 against the inmate's life sentence if the life sentence is
24 commuted to a term of years under section 902.2, but shall not
25 reduce any mandatory minimum sentence imposed under section
26 902.1.

27 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29 Sec. 5. APPLICABILITY. The sentencing provisions of this
30 Act shall apply to a person who was convicted of a class "A"
31 felony prior to, on, or after the effective date of this Act
32 and who was under the age of eighteen at the time the offense
33 was committed.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

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1 the explanation's substance by the members of the general assembly.

2 This bill relates to the commission of a class "A" felony by
3 a person under 18 years of age, and provides penalties.

4 Current Iowa statutory law provides that a person under
5 18 years of age who commits a class "A" felony, other than
6 murder in the first degree, shall be eligible for parole after
7 serving a minimum term of confinement of 25 years. Also, under
8 current Iowa statutory law, a person under 18 years of age who
9 commits murder in the first degree must serve a life sentence
10 without the possibility of parole which equals the sentences
11 of other class "A" felons. However, the United States Supreme
12 Court in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), has ruled
13 that a mandatory life sentence without the possibility of
14 parole for a person under 18 years of age who commits murder
15 is unconstitutional. In addition, the Iowa Supreme Court in
16 *State v. Lyle*, 854 N.W.2d 378 (Iowa 2014), ruled that the Iowa
17 Constitution forbids a mandatory minimum sentencing schema for
18 juvenile offenders that deprives the district court of the
19 discretion to consider youth and its attendant circumstances
20 as mitigating factors.

21 The bill provides that a person who commits murder in the
22 first degree and who was under the age of 18 at the time the
23 offense was committed shall be sentenced to serve one of three
24 sentencing options. The first option provides that the court
25 sentence the person to confinement for the rest of the person's
26 life with no possibility of parole unless the governor commutes
27 the sentence to a term of years. The second option provides
28 that the court sentence the person to confinement for the rest
29 of the person's life with the possibility of parole after
30 serving a minimum term of confinement of 35 years. Under the
31 third option, the court sentences the person to confinement for
32 the rest of the person's life with the possibility of parole.

33 The bill lists numerous circumstances for the court to
34 consider prior to sentencing a person who commits murder in the
35 first degree and who was under the age of 18 at the time the

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1 offense was committed.

2 The bill provides that a person who commits a class "A"
3 felony, other than murder in the first degree, and who was
4 under the age of 18 at the time the offense was committed
5 shall be sentenced to serve one of three sentencing options.
6 The first option provides that the court sentence the
7 person to confinement for the rest of the person's life with
8 the possibility of parole after serving a minimum term of
9 confinement of 25 years. The second option provides that the
10 court sentence the person to confinement for the rest of the
11 person's life with the possibility of parole after serving a
12 minimum term of confinement as determined by the court. Under
13 the third option, the court sentences the person to confinement
14 for the rest of the person's life with the possibility of
15 parole.

16 The bill lists numerous circumstances for the court to
17 consider prior to sentencing a person who commits a class "A"
18 felony, other than murder in the first degree, and who was
19 under the age of 18 at the time the offense was committed. This
20 list of circumstances is similar to the list of circumstances
21 the court must consider for a person under the age of 18 who
22 commits murder in the first degree.

23 A person paroled pursuant to the bill is subject to the same
24 set of procedures set out in Code chapters 901B, 905, 906, and
25 908, and rules adopted under those Code chapters for persons
26 on parole.

27 The bill prohibits earned time from reducing any mandatory
28 minimum sentence imposed under Code section 902.1.

29 The bill takes effect upon enactment and applies to a person
30 who was convicted of a class "A" felony prior to, on, or after
31 the effective date of the bill and who was under the age of 18
32 at the time the offense was committed.

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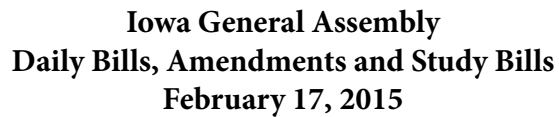
Senate Study Bill 1186 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the compilation of a presentence
2 investigation report in a criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 901.2, subsection 2, paragraph d, Code
2 2015, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) Performance of a validated risk
4 assessment that includes a risk categorization and score taken
5 from a model approved by the department of corrections.
6 Sec. 2. Section 901.3, Code 2015, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 3. The presentence investigation report
9 shall contain the results of a validated risk assessment that
10 includes a risk categorization and score taken from a model
11 approved by the department of corrections.

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

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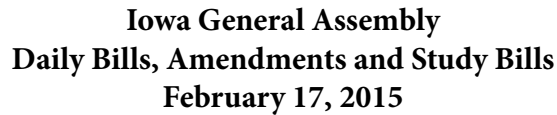
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Senate Study Bill 1187 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON PETERSEN)

A BILL FOR

- 1 An Act providing for a dramshop liability study.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1 Section 1. DRAMSHOP LIABILITY STUDY.

2. In conducting the study, the division shall assess the feasibility of establishing a state system of compensating victims of intoxicated persons, including establishing a state fund to compensate victims, determining possible options for raising sufficient revenues for the fund, and determining whether an existing or new state entity should be responsible for administering the fund, to include the manner of determining claims. The study shall examine the costs and possible efficiencies of establishing a state-based system and provide a comparison of costs to the existing dramshop liability system.

26 EXPLANATION

29 This bill requires the alcoholic beverages division of the
30 department of commerce, in collaboration with the office of the
31 attorney general and the insurance division of the department
32 of commerce, to conduct a study concerning alternatives to
33 the current dramshop liability system. The bill directs the
34 division to assess the feasibility of establishing a state
35 system of compensating victims of intoxicated persons. The

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1 division shall submit a report, including its findings and
2 recommendations, to the general assembly by January 15, 2016.



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Senate Study Bill 1188 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON HART)

A BILL FOR

1 An Act providing for benefit corporations, and providing for
2 fees.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 SUBCHAPTER I

2 PRELIMINARY PROVISIONS

3 Section 1. NEW SECTION. 490B.101 Short title.

4 This chapter shall be known and may be cited as the "*Iowa*
5 *Benefit Corporation Act*".

6 Sec. 2. NEW SECTION. 490B.102 Definitions.

7 Except as otherwise provided in this chapter, or unless the
8 context otherwise requires, the words and phrases used in this
9 chapter shall have the same meaning as the words and phrases
10 used in chapter 490, including but not limited to the words
11 and phrases used in section 490.140. In addition, all of the
12 following shall apply:

13 1. "*Benefit corporation*" means a business corporation, if
14 all of the following apply:

15 a. It has elected to become subject to this chapter.

16 b. Its status as a benefit corporation has not been
17 terminated.

18 2. "*Benefit director*" means a director designated as
19 the benefit director of a benefit corporation under section
20 490B.302.

21 3. "*Benefit enforcement proceeding*" means a claim or action
22 relating to any of the following:

23 a. The failure of a benefit corporation to pursue or create
24 general public benefit or a specific public benefit set forth
25 in its articles of incorporation.

26 b. A violation of any obligation, duty, or standard of
27 conduct provided under this chapter.

28 4. "*Benefit officer*" means an individual designated as
29 the benefit officer of a benefit corporation under section
30 490B.304.

31 5. "*Business corporation*" means a corporation formed as a
32 domestic corporation under chapter 490.

33 6. "*Entity*" means a person formed under the laws of
34 this state including but not limited to a limited liability
35 company under chapter 489; a corporation under chapter 490;

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1 a nonprofit corporation under chapter 504; a partnership,
2 limited partnership, limited liability partnership, or limited
3 liability limited partnership under chapter 486A or 488; or a
4 cooperative association or other cooperative organized under
5 chapter 497, 498, 499, 501, or 501A.

6 7. "*General public benefit*" means a material positive impact
7 on society and the environment, taken as a whole, assessed
8 against a third-party standard, which results from the business
9 and operations of a benefit corporation.

10 8. "*Independent*" means having no material relationship
11 with a benefit corporation or a subsidiary of the benefit
12 corporation as provided in section 490B.304A.

13 9. "*Minimum status vote*" means any of the following:

14 a. In the case of a business corporation, in addition to any
15 other required approval or vote required under chapter 490, the
16 satisfaction of all of the following conditions:

17 (1) The shareholders of every class or series are
18 entitled to vote as a separate voting group on the corporate
19 action regardless of a limitation stated in the articles of
20 incorporation or bylaws regarding the voting rights of any
21 class or series.

22 (2) The corporate action is approved by vote of the
23 shareholders of each class or series entitled to cast at least
24 two-thirds of the votes that all shareholders of the class or
25 series are entitled to cast on the action.

26 b. In the case of an entity other than a business
27 corporation, in addition to any other required approval, vote,
28 or consent, the satisfaction of all the following conditions:

29 (1) The holders of every class or series of equity interest
30 in the entity that are entitled to receive a distribution of
31 any kind from the entity are entitled to vote on or consent to
32 the action regardless of any otherwise applicable limitation on
33 the voting or consent rights of any class or series.

34 (2) The action is approved by vote or consent of the
35 holders described in subparagraph (1) entitled to cast at least

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1 two-thirds of the votes or consents that all of those holders
2 are entitled to cast on the action.

3 10. "*Specific public benefit*" means any of the following:

4 a. Providing low-income or underserved individuals or
5 communities with beneficial products or services.

6 b. Promoting economic opportunity for individuals or
7 communities beyond the creation of jobs in the normal course
8 of business.

9 c. Protecting or restoring the environment.

10 d. Improving human health.

11 e. Promoting the arts, sciences, or advancement of
12 knowledge.

13 f. Increasing the flow of capital to entities with a purpose
14 to benefit society or the environment.

15 g. Conferring any other particular benefit on society or the
16 environment.

17 11. "*Subsidiary*" means, in relation to a person, an entity
18 in which the person holds beneficially or of record fifty
19 percent or more of the outstanding equity interests.

20 12. "*Third-party standard*" means a recognized standard
21 for defining, reporting, and assessing corporate social or
22 environmental performance that is all of the following:

23 a. Comprehensive because the standard assesses the effect of
24 the business and its operations upon the interests listed in
25 section 490B.301, subsection 1, paragraphs "b" through "e".

26 b. Developed by an entity that is not controlled by the
27 benefit corporation.

28 c. Credible because the standard is developed by an entity
29 that meets all of the following conditions:

30 (1) Has access to necessary expertise to assess overall
31 corporate social or environmental performance.

32 (2) Uses a balanced multiple stakeholder approach to
33 develop the standard, including a reasonable public comment
34 period.

35 d. Transparent because the following information is made

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1 publicly available:

2 (1) A description of the standard that includes all of the
3 following:

4 (a) Criteria considered when measuring the overall social
5 or environmental performance of a business corporation.

6 (b) The relative weightings, if any, of the criteria
7 described in subparagraph division (a).

8 (2) A description of the development and revision of the
9 standard which includes all of the following:

10 (a) The identity of the directors, officers, material
11 owners, and the governing body of the entity that developed and
12 controls revisions to the standard.

13 (b) The process by which revisions to the standard and
14 changes to the membership of the governing body are made.

15 (c) An accounting of the revenue and sources of financial
16 support for the entity, with sufficient detail to disclose any
17 relationship that could reasonably be considered to present a
18 potential conflict of interest.

19 Sec. 3. NEW SECTION. 490B.103 Application and effect of
20 chapter.

21 1. This chapter applies to all benefit corporations.

22 2. The existence of a provision of this chapter shall not
23 of itself create an implication that a contrary or different
24 rule of law is applicable to a business corporation that is not
25 a benefit corporation. This chapter shall not affect a statute
26 or rule of law that is applicable to a business corporation
27 that is not a benefit corporation.

28 3. Chapter 490 shall be construed as part of this chapter
29 and shall apply to benefit corporations, including but not
30 limited to their formation or organization, reports, fees,
31 authority, powers, rights, and the regulation and conduct of
32 their affairs.

33 4. A benefit corporation may be subject simultaneously to
34 this chapter and one or more other chapters of this title,
35 including chapter 496C. In such event, the provisions of

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1 this chapter shall take precedence with respect to a benefit
2 corporation.

3 5. A provision of the articles of incorporation or bylaws of
4 a benefit corporation shall not limit, be inconsistent with, or
5 supersede a provision of this chapter.

6 Sec. 4. NEW SECTION. **490B.104 Incorporation of benefit**
7 **corporation.**

8 A benefit corporation shall be incorporated in accordance
9 with chapter 490, division II. The articles of incorporation
10 of a benefit corporation must also state that it is a benefit
11 corporation.

12 Sec. 5. NEW SECTION. **490B.105 Election of benefit**
13 **corporation status.**

14 1. An existing business corporation may become a benefit
15 corporation under this chapter by amending its articles of
16 incorporation so that the articles contain, in addition to
17 the requirements of chapter 490, division II, a statement
18 that the corporation is a benefit corporation. In order to
19 be effective, the amendment must be adopted by at least the
20 minimum status vote.

21 2. *a.* An entity that is not a benefit corporation may
22 become a benefit corporation pursuant to subsection 1 if all
23 of the following apply:

24 (1) The entity is one of the following:

25 (a) A party to a merger or conversion.

26 (b) An exchanging entity in a share exchange.

27 (2) The surviving, new, or resulting entity in the merger,
28 conversion, or share exchange is to be a benefit corporation.

29 *b.* In order to be effective, a plan of merger, conversion,
30 or share exchange subject to paragraph "a" must be adopted by at
31 least the minimum status vote.

32 Sec. 6. NEW SECTION. **490B.106 Termination of benefit**
33 **corporation status.**

34 1. A benefit corporation may terminate its status as
35 such and cease to be subject to this chapter by amending its

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1 articles of incorporation to delete the provision required by
2 section 490B.104 or 490B.105 to be stated in the articles of a
3 benefit corporation. In order to be effective, the amendment
4 must be adopted by at least the minimum status vote.

5 2. If a plan of merger, conversion, or share exchange
6 would have the effect of terminating the status of a business
7 corporation as a benefit corporation, the plan must be adopted
8 by at least the minimum status vote in order to be effective.
9 Any sale, lease, exchange, or other disposition of all or
10 substantially all of the assets of a benefit corporation,
11 unless the transaction is in the usual and regular course of
12 business, shall not be effective unless the transaction is
13 approved by at least the minimum status vote.

14 SUBCHAPTER II

15 CORPORATE PURPOSES

16 Sec. 7. NEW SECTION. **490B.201 Corporate purposes.**

17 1. A benefit corporation shall have a purpose of creating
18 general public benefit. This purpose is in addition to its
19 purpose under section 490.301.

20 2. The articles of incorporation of a benefit corporation
21 may identify one or more specific public benefits to be created
22 as a purpose in addition to any purpose provided in section
23 490.301 or subsection 1. The identification of a specific
24 public benefit under this subsection does not limit the
25 obligation of a benefit corporation under subsection 1.

26 3. The creation of general public benefit as described
27 in subsection 1 and a specific public benefit as described
28 in subsection 2 is in the best interests of the benefit
29 corporation.

30 4. A benefit corporation may amend its articles of
31 incorporation to add, amend, or delete the identification of a
32 specific public benefit that it is the purpose of the benefit
33 corporation to create. In order to be effective, the amendment
34 must be adopted by at least the minimum status vote.

35 5. A professional corporation that is a benefit corporation

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1 does not violate section 496C.4 by having the purpose to
2 create general public benefit as provided in subsection 1 or a
3 specific public benefit as provided in subsection 2.

4 SUBCHAPTER III

5 ACCOUNTABILITY

6 Sec. 8. NEW SECTION. 490B.301 Standard of conduct for
7 directors.

8 1. In discharging the duties of their respective positions
9 and in considering the best interests of the benefit
10 corporation, a benefit corporation's board of directors,
11 committees, and individual directors shall consider the effects
12 of any action or inaction upon all of the following:

13 a. The shareholders of the benefit corporation.

14 b. The employees and workforce of the benefit corporation,
15 its subsidiaries, and its suppliers.

16 c. The interests of customers as beneficiaries of the
17 general public benefit or specific public benefit purpose of
18 the benefit corporation as provided in section 490B.201.

19 d. Community or societal factors, including those of
20 each community in which offices or facilities of the benefit
21 corporation, its subsidiaries, or its suppliers are located.

22 e. The local and global environment.

23 f. The short-term and long-term interests of the benefit
24 corporation, including but not limited to benefits that may
25 accrue to the benefit corporation from its long-term plans and
26 the possibility that these interests may be best served by the
27 continued independence of the benefit corporation.

28 g. The ability of the benefit corporation to create general
29 public benefit or any specific public benefit as provided in
30 section 490B.201.

31 2. In discharging the duties of their respective positions
32 and in considering the best interests of the benefit
33 corporation, a benefit corporation's board of directors,
34 committees, and individual directors may consider any of the
35 following:

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1 *a.* The interests referred to in section 490.1108A.

2 *b.* Any other pertinent factor or the interest of any other
3 person or group of persons deemed appropriate.

4 3. In discharging the duties of their respective positions
5 and in considering the best interests of the benefit
6 corporation, a benefit corporation's board of directors,
7 committees, and individual directors need not give priority to
8 the interest of a particular person referred to in subsection 1
9 or 2 over the interests of any other person unless the benefit
10 corporation's articles of incorporation state the benefit
11 corporation's intention to give priority to a certain interest
12 related to its creation of general public benefit or a specific
13 public benefit as provided in section 490B.201.

14 4. The consideration of an interest or factor in the manner
15 required by subsections 1 through 3 shall not constitute a
16 violation of section 490.830.

17 5. Except as provided in the articles of incorporation or
18 bylaws of a benefit corporation, a director is not personally
19 liable for monetary damages for any of the following:

20 *a.* An action or inaction in the course of performing the
21 duties of a director under subsections 1 through 3 if the
22 director performed the duties of office in compliance with this
23 section and section 490.830.

24 *b.* The failure of the benefit corporation to pursue or
25 create general public benefit or a specific public benefit as
26 provided in section 490B.201.

27 6. A director of a benefit corporation does not have a duty
28 to a person who is a beneficiary of the general public benefit
29 or a specific public benefit purpose of the benefit corporation
30 as provided in section 490B.201, arising from the status of the
31 person as a beneficiary.

32 7. A director of a benefit corporation who makes a business
33 judgment in good faith fulfills the duty under this section if
34 all of the following apply:

35 *a.* The director is not interested in the subject of the

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1 business judgment.

2 *b.* The director is informed with respect to the subject of
3 the business judgment to the extent the director reasonably
4 believes to be appropriate under the circumstances.

5 *c.* The director rationally believes that the business
6 judgment is in the best interests of the benefit corporation.

7 Sec. 9. NEW SECTION. 490B.302 **Benefit director.**

8 1. The board of directors of a benefit corporation that is
9 a publicly traded corporation shall, and the board of any other
10 benefit corporation may, include a director who is designated
11 the benefit director. Such director shall have, in addition
12 to the powers, duties, rights, and immunities of the other
13 directors of the benefit corporation, the powers, duties,
14 rights, and immunities provided in this subchapter.

15 2. *a.* A benefit director shall be elected, and may be
16 removed, in the manner provided by chapter 490, division
17 VIII, part A. The benefit director shall be an individual
18 who is independent. The benefit director may serve as the
19 benefit officer at the same time as serving as the benefit
20 director. The articles of incorporation or bylaws of a benefit
21 corporation may prescribe additional qualifications of the
22 benefit director not inconsistent with this paragraph.

23 *b.* Notwithstanding paragraph “*a*”, a benefit director of
24 a professional corporation subject to chapter 496C is not
25 required to be independent.

26 3. The benefit director shall prepare, and the benefit
27 corporation shall include in the annual benefit report to
28 shareholders required by section 490B.401, the opinion of the
29 benefit director regarding all of the following:

30 *a.* Whether the benefit corporation acted in accordance
31 with its general public benefit and any specific public
32 benefit purpose as provided in section 490B.201 in all material
33 respects during the period covered by the report.

34 *b.* Whether the directors and officers complied with section
35 490B.301, subsection 1, and section 490B.303, subsection 1,

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1 respectively.

2 *c.* If, in the opinion of the benefit director, the benefit
3 corporation's directors or officers failed to comply with
4 paragraph "b", a description of the ways in which the benefit
5 corporation's directors or officers failed to comply.

6 4. An act or inaction of an individual in the capacity of a
7 benefit director shall constitute for all purposes an act or
8 inaction of that individual in the capacity of a director of
9 the benefit corporation.

10 5. Regardless of whether the articles of incorporation or
11 bylaws of a benefit corporation include a provision eliminating
12 or limiting the personal liability of a director authorized by
13 section 490.202, a benefit director is not personally liable
14 for an act or omission in the director's capacity as a benefit
15 director unless the act or omission constitutes self-dealing,
16 willful misconduct, or a knowing violation of law.

17 Sec. 10. NEW SECTION. **490B.303 Standard of conduct for**
18 **officers.**

19 1. Each officer of a benefit corporation shall consider the
20 interests and factors described in section 490B.301, subsection
21 1, in the manner provided in that subsection if all of the
22 following apply:

23 *a.* The officer has discretion to act with respect to a
24 matter.

25 *b.* It reasonably appears to the officer that the matter
26 may have a material effect on the creation by the benefit
27 corporation of general public benefit or a specific public
28 benefit as provided in section 490B.201.

29 2. The consideration of the best interests of the benefit
30 corporation in the manner described in subsection 1 shall not
31 constitute a violation of section 490.842.

32 3. Except as provided in the articles of incorporation or
33 bylaws of a benefit corporation, an officer is not personally
34 liable for monetary damages for any of the following:

35 *a.* An action or inaction as an officer in the course of

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1 performing the duties of an officer under subsection 1 if the
2 officer performed the duties of the position in compliance with
3 section 490.842 and this section.

4 **b.** The failure of the benefit corporation to pursue or
5 create general public benefit or a specific public benefit as
6 provided in section 490B.201.

7 4. An officer does not have a duty to a person who is a
8 beneficiary of the general public benefit or a specific public
9 benefit purpose of the benefit corporation, as provided in
10 section 490B.201, arising from the status of the person as a
11 beneficiary.

12 5. An officer who makes a business judgment in good faith
13 fulfills the duty under this section if all of the following
14 apply:

15 **a.** The officer is not interested in the subject of the
16 business judgment.

17 **b.** The officer is informed with respect to the subject of
18 the business judgment to the extent the officer reasonably
19 believes to be appropriate under the circumstances.

20 **c.** The officer rationally believes that the business
21 judgment is in the best interests of the benefit corporation.

22 Sec. 11. NEW SECTION. **490B.304 Benefit officer.**

23 1. A benefit corporation may have an officer designated as
24 the benefit officer.

25 2. **a.** A benefit officer shall have the powers and duties
26 relating to the purpose of the corporation to create general
27 public benefit or a specific public benefit as provided in
28 section 490B.201, if authorized by any of the following:

29 (1) The articles of incorporation or bylaws of the benefit
30 corporation.

31 (2) Absent any controlling provisions in the articles
32 of incorporation or bylaws of the benefit corporation, by
33 resolution or order of the benefit corporation's board of
34 directors.

35 **b.** A benefit officer shall have the duty to prepare the

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1 benefit report required by section 490B.401.

2 Sec. 12. NEW SECTION. 490B.304A **Benefit officers and**
3 **directors — criteria for independence.**

4 1. Serving as a benefit director or benefit officer
5 shall not alone affect whether an individual is or is not
6 independent.

7 2. A material relationship between an individual and a
8 benefit corporation or any of its subsidiaries is conclusively
9 presumed to exist if any of the following apply:

10 a. The individual is, or has been within the last three
11 years, an employee other than a benefit officer of the benefit
12 corporation or a subsidiary.

13 b. An immediate family member of the individual is, or
14 has been within the last three years, an executive officer
15 other than a benefit officer of the benefit corporation or a
16 subsidiary.

17 c. There is beneficial or record ownership of five percent
18 or more of the outstanding shares of the benefit corporation,
19 calculated as if all outstanding rights to acquire equity
20 interests in the benefit corporation had been exercised, by any
21 of the following:

22 (1) The individual.

23 (2) An entity if any of the following apply:

24 (a) The individual is a director, an officer, or a manager
25 of the entity.

26 (b) The individual owns beneficially or of record five
27 percent or more of the entity's outstanding equity interests,
28 calculated as if all outstanding rights to acquire equity
29 interests in the entity had been exercised.

30 Sec. 13. NEW SECTION. 490B.305 **Right of action — benefit**
31 **enforcement proceedings.**

32 1. a. Except in a benefit enforcement proceeding, a person
33 shall not bring an action or assert a claim against a benefit
34 corporation or its directors or officers with respect to any
35 of the following:

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1 (1) The failure of the benefit corporation to pursue or
2 create general public benefit or a specific public benefit
3 as set forth in its articles of incorporation as provided in
4 section 490B.201.

5 (2) A violation of an obligation, duty, or standard of
6 conduct under this chapter.

7 b. A benefit corporation shall not be liable for monetary
8 damages under this chapter for any failure of the benefit
9 corporation to pursue or create general public benefit or a
10 specific public benefit as provided in section 490B.201.

11 2. A benefit enforcement proceeding may be commenced or
12 maintained only as follows:

13 a. Directly by the benefit corporation.

14 b. Derivatively, in accordance with chapter 490, division
15 VII, part D by any of the following:

16 (1) A person or group of persons that owns beneficially or
17 of record at least two percent of the total number of shares
18 of all classes and series outstanding on the date of the
19 complained of action or inaction.

20 (2) A director of the benefit corporation.

21 (3) A person or group of persons that owns beneficially
22 or of record five percent or more of the outstanding equity
23 interests in an entity of which the benefit corporation is a
24 subsidiary on the date of the complained of action or inaction.

25 (4) Any other person or group of persons as specified in the
26 articles of incorporation or bylaws of the benefit corporation.

27 3. For purposes of this section, a person is the beneficial
28 owner of shares or equity interests if the shares or equity
29 interests are held in a voting trust or by a nominee on behalf
30 of the beneficial owner.

31 SUBCHAPTER IV

32 TRANSPARENCY

33 Sec. 14. NEW SECTION. 490B.401 Preparation of annual
34 benefit report.

35 1. A benefit corporation shall prepare an annual benefit

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1 report which shall include at least all of the following:

2 *a.* A narrative description of all of the following:

3 (1) The ways in which the benefit corporation pursued or
4 created general public benefit.

5 (2) The ways in which the benefit corporation pursued
6 or created a specific public benefit, as provided in section
7 490B.201, to the extent that the specific public benefit is
8 stated in the benefit corporation's articles of incorporation.

9 (3) Any circumstances that have hindered the pursuit or
10 creation of general public benefit or a specific public benefit
11 as provided in section 490B.201.

12 (4) The process and rationale for selecting or changing the
13 third-party standard used to prepare the benefit report.

14 *b.* An assessment of the overall social and environmental
15 performance of the benefit corporation against a third-party
16 standard that is all of the following:

17 (1) Applied consistently with any application of the
18 third-party standard in prior benefit reports.

19 (2) Accompanied by an explanation of the reasons for any of
20 the following:

21 (a) Inconsistent application.

22 (b) A change to the third-party standard from the standard
23 used in the immediately prior report.

24 *c.* The name of the benefit director and the benefit officer,
25 if any, and the address to which correspondence to each of them
26 may be directed.

27 *d.* The compensation paid by the benefit corporation, during
28 the year, to each director in the capacity of a director.

29 *e.* The opinion of the benefit director described in section
30 490B.302, subsection 3.

31 *f.* A statement of any connection between the organization
32 that established the third-party standard, or its directors,
33 officers, or any holder of five percent or more of the
34 governance interests in the organization, and the benefit
35 corporation or its directors, officers, or any holder of five

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1 percent or more of the outstanding shares of the benefit
2 corporation, including any financial or governance relationship
3 which might materially affect the credibility of the use of the
4 third-party standard.

5 2. If, during the year covered by a benefit report,
6 a benefit director resigned from or refused to stand for
7 reelection to the position of benefit director, or was removed
8 from the position of benefit director, and the benefit director
9 furnished the benefit corporation with written correspondence
10 concerning the circumstances surrounding the resignation,
11 refusal, or removal, the benefit report shall include that
12 correspondence as an exhibit.

13 3. Neither the benefit report nor the assessment of the
14 performance of the benefit corporation in the benefit report
15 required by subsection 1, paragraph "b", is required to be
16 audited or certified by a third party.

17 Sec. 15. NEW SECTION. **490B.402 Availability of annual**
18 **benefit report — filing — fee.**

19 1. A benefit corporation shall send its annual benefit
20 report to each shareholder on the earlier of any of the
21 following:

22 a. One hundred twenty days following the end of the fiscal
23 year of the benefit corporation.

24 b. The date that the benefit corporation delivers any other
25 annual report to its shareholders.

26 2. A benefit corporation shall post all of its benefit
27 reports on the public portion of its internet site, if any.
28 However, the compensation paid to directors and financial or
29 proprietary information included in a benefit report required
30 pursuant to section 490B.401 may be omitted from the benefit
31 reports as posted.

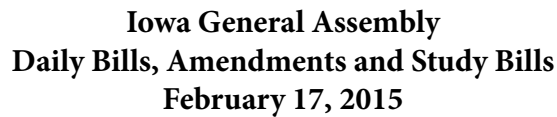
32 3. a. Concurrently with the delivery of the benefit report
33 to shareholders under subsection 1, the benefit corporation
34 shall deliver a copy of the benefit report to the secretary
35 of state for filing. However, the compensation paid to

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1 directors and financial or proprietary information included in
2 the benefit report may be omitted from the benefit report as
3 delivered to the secretary of state.

6	EXPLANATION
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9 GENERAL. This bill allows a business corporation to
10 incorporate and operate as a benefit corporation, generally
11 subject to the Iowa business corporation Act (Code chapter 490)
12 except as provided in the bill's new Code chapter (Code chapter
13 490B).

18 ARTICLES OF INCORPORATION. The bill provides that a
19 benefit corporation's articles of incorporation must have as a
20 purpose the creation of general public benefit which provides
21 a material positive impact on society and the environment as
22 assessed against a third-party standard. The bill provides
23 that a benefit corporation's articles of incorporation may list
24 one or more specific public purposes.

33 LEGAL ACTIONS. The bill prohibits a person from bringing an
34 action against a benefit corporation or its directors, except
35 in a benefit enforcement proceeding. A benefit enforcement

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1 proceeding can only be commenced by the benefit corporation
2 or derivatively by a person or group that holds shares in
3 the corporation or an equity interest in the corporation, by
4 a director, or by any other person or group provided in the
5 articles of incorporation.

6 BENEFIT DIRECTOR AND OFFICER. The bill requires a public
7 corporation's board of directors to include a benefit director.
8 A privately held benefit corporation's board may include
9 such director. Such director must be independent, having
10 no material relationship with the benefit corporation. The
11 bill provides that a benefit corporation may have a benefit
12 officer who is charged with overseeing the creation of the
13 corporation's general public benefit or a specific public
14 benefit.

15 REPORT. The bill requires a benefit corporation to prepare
16 an annual benefit report to its shareholders. The report must
17 include information regarding the third-party standard used
18 to prepare the benefit report, the ways in which the benefit
19 corporation pursued its general and specific public benefits,
20 and an assessment of the overall social and environmental
21 performance of the benefit corporation indicating whether
22 the benefit corporation pursued its general or any specific
23 public benefit purpose. The bill also requires the benefit
24 corporation to file the benefit report with the secretary of
25 state and pay the secretary of state a filing fee.



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Senate Study Bill 1189 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to the control of disease in wildlife and
2 including penalty provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. NEW SECTION. 481A.41 Control of disease in
2 wildlife — penalty.

3 1. If the commission finds that action is necessary to
4 prevent or control the spread of disease in wildlife or in a
5 particular species of wildlife in this state, the commission
6 may, pursuant to rules adopted under chapter 17A, do any of the
7 following:

8 *a.* Limit, close, expand, or open seasons for taking wildlife
9 or a particular species of wildlife.

10 *b.* Limit, close, expand, or open areas of the state for
11 hunting wildlife or a particular species of wildlife.

12 *c.* Reduce or increase limits on taking wildlife or a
13 particular species of wildlife in specified areas of the state.

14 *d.* Establish disease management zones in the state.

15 *e.* Authorize the issuance of free hunting licenses for
16 taking wildlife or a particular species of wildlife.

17 *f.* Allow hunting with a firearm from a motor vehicle
18 of wildlife or a particular species of wildlife by persons
19 designated to hunt in this manner by the department. If such
20 hunting is allowed, the department shall develop, by rule, a
21 wildlife disease prevention and control program and maintain a
22 list of persons who are designated to hunt with a firearm from
23 a motor vehicle for purposes of the program.

24 *g.* Require a hunter to provide a physical sample obtained
25 from each animal of a particular species of wildlife that
26 is taken by a hunter, for the purpose of conducting a
27 disease-related test.

28 *h.* Limit the possession, transportation, and disposition of
29 wildlife or a particular species of wildlife.

30 *i.* Restrict feeding of wildlife or a particular species of
31 wildlife.

32 2. *a.* A person who violates any provision of a rule adopted
33 pursuant to this section is guilty of a simple misdemeanor
34 punishable as a scheduled violation under section 805.8B,
35 subsection 3, paragraph "e".

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1 *b.* In addition to any other penalties imposed under
2 this section, a person charged with a violation of a rule
3 adopted pursuant to subsection 1, paragraph “i”, restricting
4 the feeding of wildlife or a particular species of wildlife
5 shall immediately remove all feed that is in violation of the
6 restriction. Failure to do so shall constitute an additional
7 violation of this section for each day that the feed remains.

8 Sec. 2. Section 805.8B, subsection 3, paragraph e, Code
9 2015, is amended to read as follows:

10 *e.* For violations of sections 481A.41, 481A.57, 481A.85,
11 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9,
12 482.15, and 483A.42, the scheduled fine is one hundred dollars.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation’s substance by the members of the general assembly.

16 This bill relates to the control of disease in wildlife. The
17 bill provides that if the natural resource commission finds
18 that action is necessary to prevent or control the spread of
19 disease in wildlife or in a particular species of wildlife, the
20 commission may adopt rules that change hunting seasons, areas,
21 and limits; establish disease management zones; authorize the
22 issuance of free licenses; allow hunting with a firearm from
23 a motor vehicle by designated persons; require hunters to
24 provide physical samples from harvested wildlife for disease
25 testing; limit the possession, transportation, and disposition
26 of wildlife; and restrict wildlife feeding.

27 A violation of a rule adopted pursuant to the bill is a
28 simple misdemeanor punishable as a scheduled violation with
29 a fine of \$100. A person who violates a wildlife feeding
30 restriction must also immediately remove all food that is
31 in violation of the restriction and failure to do so is an
32 additional violation for each day that the feed remains.

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Senate Study Bill 1190 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to evidence of financial responsibility
2 required to be furnished by certain pesticide applicators
3 to the department of agriculture and land stewardship, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 2143XC (5) 86
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1 Section 1. Section 206.13, Code 2015, is amended to read as
2 follows:

3 **206.13 Evidence of financial responsibility required by**
4 **commercial applicator applicators.**

5 1. The department shall not issue a commercial applicator's
6 license as required in section 206.6 until the applicant
7 has furnished evidence of financial responsibility ~~with to~~
8 the department. The evidence of financial responsibility
9 shall consist of a surety bond, a liability insurance policy,
10 or an irrevocable letter of credit issued by a financial
11 institution. ~~The department may accept a certification~~
12 ~~of the evidence of financial responsibility.~~ The evidence
13 of financial responsibility shall pay the amount that the
14 beneficiary is legally obligated to pay as damages caused
15 by the pesticide operations of the applicant. However, the
16 evidence of financial responsibility does not apply to damages
17 or an injury which is expected or intended from the standpoint
18 of the beneficiary. A liability insurance policy shall be
19 subject to the insurer's policy provisions filed with and
20 approved by the commissioner of insurance. The evidence of
21 financial responsibility need not apply to damages or injury to
22 agricultural crops, plants, or land being worked upon by the
23 applicant.

24 2. The amount of the evidence of financial responsibility
25 as provided for in this section shall be not less than one
26 ~~hundred thousand~~ million dollars for property damage and
27 public liability insurance, each separately, or liability
28 insurance with limits of ~~one~~ three hundred thousand dollars
29 per occurrence and ~~three~~ six hundred thousand dollars annual
30 aggregate. The evidence of financial responsibility shall be
31 maintained at not less than that amount at all times during
32 the licensed period. The department shall be notified ten
33 days prior to any reduction in the surety bond or liability
34 insurance made at the request of the applicant or cancellation
35 of the surety bond by the surety or the liability insurance

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1 by the insurer. The department shall be notified ninety
2 days prior to any reduction of the amount of the irrevocable
3 letter of credit at the request of the applicant or the
4 cancellation of the irrevocable letter of credit by the
5 financial institution. The total and aggregate liability of
6 the surety, insurer, or financial institution for all claims
7 shall be limited to the face of the surety bond, liability
8 insurance policy, or irrevocable letter of credit.

9 3. Upon request by a person who alleges damages caused
10 by the pesticide operations of a commercial applicator,
11 the department shall provide that person with a copy of
12 the evidence of financial responsibility or any related
13 notification furnished by such commercial applicator to the
14 department under this section.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 BILL'S PROVISIONS. This bill eliminates a provision that
21 allows a commercial applicator of pesticides to furnish a
22 certification in lieu of evidence of financial responsibility
23 and requires the department provide evidence of financial
24 responsibility and related documents to a person alleging
25 damages caused by a commercial applicator. The bill also
26 increases the limits for evidence of financial responsibility
27 from \$100,000 to \$1 million for property damage and public
28 liability damage each separately. The limits for liability
29 insurance are increased from \$100,000 to \$300,000 per
30 occurrence and from \$300,000 to \$600,000 as an annual
31 aggregate.

32 TERMS. A commercial applicator is a person who applies
33 pesticides for compensation, but does not include a farmer
34 trading work with another farmer, a person employed by a farmer
35 who applies pesticides as an incidental part of the person's

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1 duties, or a person who applies pesticides as an incidental
2 part of a custom farming operation. Evidence of financial
3 responsibility includes a surety bond, a liability insurance
4 policy, or an irrevocable letter of credit. A pesticide
5 includes any substance that prevents, destroys, or mitigates
6 pests in the form of plant or animal life and viruses, and
7 includes plant growth regulators, defoliants, and desiccants.
8 EFFECTIVE DATE. The bill takes effect upon enactment.



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Senate Study Bill 1191 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act providing for the application of manure originating from
2 animal feeding operations, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 2262XC (2) 86
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1 Section 1. Section 459.102, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 48A. "*Rainfall event*" means any period of
4 continuous rainfall.

5 NEW SUBSECTION. 50A. "*Saturated ground*" means the top
6 two inches of soil that due to precipitation can no longer
7 absorb liquid as determined according to rules adopted by the
8 department.

9 Sec. 2. Section 459.312, subsection 10, paragraph h, Code
10 2015, is amended by striking the paragraph.

11 Sec. 3. Section 459.313A, Code 2015, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **459.313A Application of manure on land — frozen,
14 snow-covered, and saturated ground — authorized and prohibited
15 — exceptions.**

16 1. A person may apply manure originating from an animal
17 feeding operation on frozen ground, snow-covered ground, or
18 saturated ground, except to the extent otherwise provided by
19 applicable requirements in this section, this chapter, or the
20 national pollutant discharge elimination system pursuant to
21 the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as
22 amended, and 40 C.F.R. pts. 122 and 412.

23 2. A person shall not apply liquid manure, originating
24 from a manure storage structure that is part of a confinement
25 feeding operation, on land that is any of the following:

26 a. Frozen ground, snow-covered ground, or saturated ground.

27 b. Located in a five-digit zip code area that is subject to
28 a rainfall event as forecast by the national weather service,
29 immediately prior to the beginning of the rainfall event,
30 predicting a fifty percent or greater probability that the area
31 will receive more than one quarter inch of rain during the
32 rainfall event's first twenty-four hours. In that case, the
33 person shall not apply the liquid manure for twenty-four hours
34 from the beginning of the rainfall event.

35 3. Subsection 2 does not apply to the application of liquid

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1 or frozen ground, except during a period beginning in winter
2 and ending in early spring. However, an exception allows such
3 application if there is an emergency, the manure originates
4 from a small animal feeding operation, or if the manure is
5 injected or incorporated. The prohibition is enforced by the
6 department of natural resources.

7 TERMS. An "animal feeding operation" is a place where
8 animals (cattle, swine, horses, sheep, chickens, turkeys,
9 or fish) are confined for 45 or more days in a 12-month
10 period. A "confinement feeding operation" is an animal feeding
11 operation in which animals are confined in roofed areas (e.g.,
12 buildings). A small animal feeding operation uses a formed
13 manure storage that has less than a 500 animal unit capacity
14 (e.g., 1,250 head of hogs weighing more than 55 pounds).
15 Injection is the process of applying manure beneath the soil
16 surface and incorporation is a process that mixes manure into
17 the soil.

18 APPLICABLE PENALTIES. A person who applies liquid manure
19 in violation of the bill's prohibition would be subject to a
20 civil penalty, that may be administratively assessed by the
21 department, in an amount of not more than \$10,000 (Code section
22 455B.109), or judicially assessed for an amount not more than
23 \$5,000 per each day of the violation (Code section 455B.191).
24 Collected moneys would be deposited into the watershed
25 improvement fund (Code sections 459.603 and 466A.2).



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Senate Study Bill 1192 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act increasing the cumulative value of solar energy tax
2 credits which may be claimed annually, and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1955XC (3) 86
rn/sc



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1 Section 1. Section 422.11L, subsection 1, paragraph a, Code
2 2015, is amended to read as follows:

3 a. Sixty percent of the federal residential energy efficient
4 property credit related to solar energy provided in section
5 ~~25E(a)(1)~~ 25D(a)(1) and section 25D(a)(2) of the Internal
6 Revenue Code, not to exceed five thousand dollars.

7 Sec. 2. Section 422.11L, subsection 4, paragraph a, Code
8 2015, is amended to read as follows:

9 a. The cumulative value of tax credits claimed annually
10 by applicants pursuant to this section shall not exceed ~~four~~
11 six million five hundred thousand dollars. Of this amount,
12 at least one million dollars shall be reserved for claims
13 associated with or resulting from residential solar energy
14 system installations. In the event that the total amount
15 of claims submitted for residential solar energy system
16 installations in a tax year is an amount less than one million
17 dollars, the remaining unclaimed reserved amount shall be
18 made available for claims associated with or resulting from
19 nonresidential solar energy system installations received for
20 the tax year.

21 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
24 retroactively to January 1, 2015, for tax years beginning and
25 installations occurring on or after that date.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill increases the limitation on the cumulative value
30 of solar energy income tax credits that may be claimed annually
31 from \$4.5 million to \$6.5 million. The increase would be
32 applicable to the combined amount of individual, corporate, and
33 franchise solar income tax credits claimed pursuant to Code
34 sections 422.11L, 422.33, and 422.60.

35 The bill also makes a technical correction to an Internal

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1 Revenue Code reference relating to the federal solar energy tax
2 credits.

3 The bill takes effect upon enactment and applies
4 retroactively to January 1, 2015, for tax years beginning on
5 or after that date.



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Senate Study Bill 1193 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act modifying provisions applicable to the renewable energy
2 tax credit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 476C.1, subsection 6, paragraph e, Code
2 2015, is amended to read as follows:

3 e. (1) For applications filed on or after July 1, 2011,
4 is a facility of not less than three-fourths megawatts of
5 nameplate generating capacity or the energy production capacity
6 equivalent if all or a portion of the renewable energy produced
7 is for on-site consumption by the producer.

8 (2) For applications filed on or after July 1, 2015, in
9 addition to a facility qualifying pursuant to subparagraph
10 (1), is a facility of not more than three-fourths megawatts
11 of nameplate generating capacity or the energy production
12 equivalent if all of the renewable energy produced is for
13 on-site consumption by the producer.

14 Sec. 2. Section 476C.2, subsection 1, Code 2015, is amended
15 to read as follows:

16 1. a. A producer or purchaser of renewable energy may
17 receive renewable energy tax credits under this chapter in
18 an amount equal to one and one-half cents per kilowatt-hour
19 of electricity, or four dollars and fifty cents per million
20 British thermal units of heat for a commercial purpose, or
21 four dollars and fifty cents per million British thermal units
22 of methane gas or other biogas used to generate electricity,
23 or one dollar and forty-four cents per one thousand standard
24 cubic feet of hydrogen fuel generated by and purchased from
25 an eligible renewable energy facility or used for on-site
26 consumption by the producer.

27 b. Beginning January 1, 2016, a wind energy conversion
28 facility with a nameplate generating capacity of one hundred
29 kilowatts or less may receive renewable energy tax credits
30 under this chapter in an amount equal to six cents per
31 kilowatt-hour of electricity.

32 Sec. 3. Section 476C.3, subsection 4, Code 2015, is amended
33 to read as follows:

34 4. a. The maximum amount of nameplate generating capacity
35 of all wind energy conversion facilities the board may find

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1 eligible under this chapter shall not exceed three hundred
2 sixty-three megawatts of nameplate generating capacity.
3 Beginning January 1, 2016, of the credits relinquished pursuant
4 to subsection 6, one megawatt of nameplate generating capacity
5 shall be reserved for wind energy conversion facilities
6 installed within a small wind innovation zone pursuant to
7 section 476.48.

8 **b.** The maximum amount of energy production capacity
9 equivalent of all other facilities the board may find eligible
10 under this chapter shall not exceed a combined output of
11 fifty-three megawatts of nameplate generating capacity and ~~one~~
12 two hundred sixty-seven seventy-two billion British thermal
13 units of heat for a commercial purpose. Of the maximum
14 amount of energy production capacity equivalent of all other
15 facilities found eligible under this chapter, no more than
16 ten megawatts of nameplate generating capacity or energy
17 production capacity equivalent shall be allocated to any one
18 facility. Of the maximum amount of energy production capacity
19 equivalent of all other facilities found eligible under this
20 chapter, ~~fifty-five~~ one hundred ten billion British thermal
21 units of heat for a commercial purpose shall be reserved for
22 ~~an eligible facility~~ refuse conversion facilities. Of this
23 amount, fifty-five billion British thermal units of heat for a
24 commercial purpose shall be reserved for an eligible facility
25 that is a refuse conversion facility for processed, engineered
26 fuel from a multicounty solid waste management planning area.
27 The maximum amount of energy production capacity the board
28 may find eligible for a single refuse conversion facility
29 is fifty-five billion British thermal units of heat for a
30 commercial purpose.

31 Sec. 4. Section 476C.3, subsection 6, Code 2015, is amended
32 to read as follows:

33 6. **a.** The board shall, until December 31, 2015, maintain a
34 waiting list of facilities that may have been found eligible
35 under this section but for the maximum capacity restrictions

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1 of subsection 4. The priority of the waiting list shall be
2 maintained in the order the applications were received by
3 the board. The board shall remove from the waiting list any
4 facility that has subsequently been found ineligible under
5 this chapter. If additional capacity becomes available within
6 the capacity restrictions of subsection 4, the board shall
7 grant approval to facilities according to the priority of the
8 waiting list before granting approval to new applications. An
9 owner of a facility on the waiting list shall provide the board
10 each year by August 31 with a sworn statement of verification
11 stating that the information contained in the application
12 for eligibility remains true and correct or stating that the
13 information has changed and providing the new information.
14 b. Beginning January 1, 2016, any facility awarded a tax
15 credit prior to January 1, 2010, under this chapter that
16 has not begun energy production or commenced substantial
17 construction on a renewable energy facility shall relinquish
18 the tax credit. A facility relinquishing a tax credit pursuant
19 to this paragraph "b" shall be eligible to reapply to the board.
20 Beginning January 1, 2016, facilities determined to be eligible
21 shall be awarded the appropriate tax credit in the order the
22 applications are received by the board on or after January 1,
23 2016.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill modifies provisions applicable to renewable energy
28 tax credits awarded pursuant to Code chapter 476C.

29 Currently, to be eligible for a renewable energy tax credit,
30 for applications filed on or after July 1, 2011, an applicant
31 must be a facility of not less than three-fourths megawatts
32 of nameplate generating capacity or the energy production
33 capacity equivalent if all or a portion of the renewable energy
34 produced is for on-site consumption by the producer. The bill
35 provides that in addition to such facilities, for applications

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1 filed on or after July 1, 2015, an eligible facility may be a
2 facility of not more than three-fourths megawatts of nameplate
3 generating capacity or the energy production equivalent if all
4 of the renewable energy produced is for on-site consumption by
5 the producer.

6 The bill provides that beginning January 1, 2016, a wind
7 energy conversion facility with a nameplate generating capacity
8 of 100 kilowatts or less may receive renewable energy tax
9 credits in an amount equal to 6 cents per kilowatt-hour of
10 electricity.

11 Additionally, the Code chapter currently provides that the
12 maximum amount of energy production capacity equivalent of
13 eligible renewable energy facilities other than wind energy
14 conversion facilities shall not exceed a combined output of
15 53 megawatts of nameplate generating capacity and 167 billion
16 British thermal units of heat for a commercial purpose. The
17 bill increases the British thermal unit limit to 272 billion
18 British thermal units of heat for a commercial purpose, and
19 provides that out of this amount 110 billion British thermal
20 units of heat for a commercial purpose shall be reserved for
21 refuse conversion facilities. Code chapter 476C currently
22 reserves 55 billion British thermal units of heat for a
23 commercial purpose for a refuse conversion facility for
24 processed, engineered fuel from a multicounty solid waste
25 management planning area.

26 The bill also provides that a current waiting list of
27 facilities which would be eligible for a renewable energy tax
28 credit but for the Code chapter's maximum capacity restrictions
29 will be maintained until December 31, 2015. A new waiting
30 list will commence on January 1, 2016, and beginning on that
31 date the bill provides that any facility awarded a credit
32 prior to January 1, 2010, that has not begun energy production
33 or commenced substantial construction on a renewable energy
34 facility shall relinquish the tax credit. The bill provides
35 that such a facility shall be eligible to reapply to the board,

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1 and that facilities determined to be eligible for a tax credit
2 beginning January 1, 2016, shall be awarded the appropriate
3 tax credit in the order the applications are received by the
4 board on or after that date. The bill further provides that
5 beginning January 1, 2016, of the tax credits relinquished, one
6 megawatt of nameplate generating capacity shall be reserved for
7 wind energy conversion facilities installed within a small wind
8 innovation zone.



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Senate Study Bill 1194 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act exempting from the state individual income tax the
2 earnings from a burial trust fund, and including retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422.7, Code 2015, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 48. Subtract, to the extent included,
4 income from interest and earnings received from a burial trust
5 fund as defined in section 523A.102.

6 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
7 retroactively to January 1, 2015, for tax years beginning on
8 or after that date.

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill exempts from the state individual income tax
13 the interest and earnings received from a burial trust fund.
14 Burial trust funds, which are governed by Code chapter 523A,
15 are irrevocable trusts established by a person with a financial
16 institution for the purpose of funding the future purchase of
17 cemetery merchandise, funeral merchandise, funeral services, or
18 a combination thereof upon the death of the person named in the
19 burial trust fund's records or a related purchase agreement.
20 The bill applies retroactively to January 1, 2015, for tax
21 years beginning on or after that date.



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Senate Study Bill 1195 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to tobacco, tobacco products, alternative
2 nicotine products, vapor products, and cigarettes, including
3 reporting requirements and permit fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 453A.13, subsection 3, paragraphs a and
2 b, Code 2015, are amended to read as follows:

3 a. All permits provided for in this division shall expire
4 on June 30 of each year. A permit shall not be granted or
5 issued until the applicant has paid for the period ending June
6 30 next, to the department or the city or county granting
7 the permit, the fees provided for in this division. The
8 annual state permit fee for a distributor, cigarette vendor,
9 and wholesaler is ~~one~~ five hundred dollars when the permit
10 is granted during the months of July, August, or September.
11 However, whenever a state permit holder operates more than
12 one place of business, a duplicate state permit shall be
13 issued for each additional place of business on payment of
14 ~~five~~ twenty-five dollars for each duplicate state permit,
15 but refunds as provided in this division do not apply to any
16 duplicate permit issued.

17 b. The fee for retail permits is as follows when the permit
18 is granted during the months of July, August, or September:

19 (1) In places outside any city, two hundred fifty dollars.

20 (2) In cities of less than fifteen thousand population,
21 three hundred seventy-five dollars.

22 (3) In cities of fifteen thousand or more population, ~~one~~
23 five hundred dollars.

24 Sec. 2. Section 453A.15, subsection 4, Code 2015, is amended
25 to read as follows:

26 4. Every permit holder or other person shall, when requested
27 by the department, make additional reports as the department
28 deems necessary and proper and shall at the request of the
29 department furnish full and complete information pertaining to
30 any transaction of the permit holder or other person involving
31 the purchase or sale or use of cigarettes, alternative nicotine
32 products, or vapor products or purchase of cigarette stamps.
33 The director shall specifically prescribe the forms necessary
34 and require each retailer to provide on the forms prescribed
35 full and complete information pertaining to any cigarettes,

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1 alternative nicotine products, or vapor products offered for
2 sale or sold by the retailer, including the type and brand of
3 the product.

4 Sec. 3. Section 453A.44, subsection 4, paragraph a, Code
5 2015, is amended to read as follows:

6 a. Each application for a distributor's license shall be
7 accompanied by a fee of ~~one~~ five hundred dollars, except that
8 an applicant holding a permit pursuant to division I of this
9 chapter shall not be required to pay an additional fee. The
10 application shall be accompanied by a corporate surety bond
11 issued by a surety licensed to do business in this state, in
12 the sum of one thousand dollars, conditioned upon the true and
13 faithful compliance by the distributor with all the provisions
14 of this division and the payment when due of all taxes,
15 penalties and accrued interest arising in the ordinary course
16 of business or by reason of any delinquent money which may be
17 due the state of Iowa. This bond shall be in a form to be fixed
18 by the director and approved by the attorney general. Whenever
19 it is the opinion of the director that the bond given by a
20 licensee is inadequate in amount to fully protect the state,
21 the director shall require either an increase in the amount of
22 said bond or additional bond, in such amount as the director
23 deems sufficient. Any bond required by this division, or a
24 reissue thereof, or a substitute therefor, shall be kept in
25 full force and effect during the entire period covered by the
26 license.

27 Sec. 4. Section 453A.44, subsection 5, Code 2015, is amended
28 to read as follows:

29 5. Each application for a subjobber's license shall be
30 accompanied by a fee of ~~ten~~ fifty dollars, except that no
31 applicant holding a permit pursuant to division I of this
32 chapter shall be required to pay an additional fee.

33 Sec. 5. Section 453A.47A, subsection 7, paragraph a, Code
34 2015, is amended to read as follows:

35 a. All permits provided for in this division shall expire

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1 on June 30 of each year. A permit shall not be granted or
2 issued until the applicant has paid the fees provided for in
3 this section for the period ending June 30 next, to the city or
4 county granting the permit. The fee for retail permits is as
5 follows when the permit is granted during the month of July,
6 August, or September:

7 (1) In places outside any city, two hundred fifty dollars.

8 (2) In cities of less than fifteen thousand population,
9 three hundred seventy-five dollars.

10 (3) In cities of fifteen thousand or more population, ~~one~~
11 five hundred dollars.

12 Sec. 6. Section 453A.47A, subsection 10, paragraph b, Code
13 2015, is amended to read as follows:

14 b. Every retailer shall, when requested by the department,
15 make additional reports as the department deems necessary and
16 proper and shall at the request of the department furnish
17 full and complete information pertaining to any transaction
18 of the retailer involving the purchase or sale or use of
19 tobacco, tobacco products, alternative nicotine products, or
20 vapor products. The director shall specifically prescribe the
21 forms necessary and require each retailer to provide on the
22 forms prescribed full and complete information pertaining to
23 any tobacco, tobacco products, alternative nicotine products,
24 or vapor products offered for sale or sold by the retailer,
25 including the type and brand of the product.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the permit fees for distributors,
30 subjobbers, and retailers of tobacco products and to permit
31 fees for cigarette distributors, vendors, wholesalers, and
32 retailers. The bill also includes provisions relating to
33 reporting requirements of tobacco products and cigarettes.
34 CIGARETTES. Under current law, the fee for permits for
35 cigarette distributors, vendors, and wholesalers is \$100,

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1 annually, for permits issued in the first quarter of the state
2 fiscal year (July, August, or September). Under the bill,
3 this fee is increased to \$500, annually. Under current law, a
4 cigarette distributor, vendor, or wholesaler is subject to a
5 payment of \$5 for the issuance of a duplicate state permit for
6 any additional place of business. Under the bill, this fee is
7 increased to \$25.

8 Under current law, the fee for permits for cigarette
9 retailers, annually, when issued in the first quarter of the
10 fiscal year is \$50 for places outside any city, \$75 for cities
11 of less than 15,000 population, and \$100 for cities of 15,000
12 or more population. Under the bill, the permit fees are
13 increased to \$250 for places outside any city, \$375 for cities
14 of less than 15,000 population, and \$500 for cities of 15,000
15 or more population.

16 For cigarette distributors, vendors, wholesalers, and
17 retailers, current law provides for reduced prorated fees to be
18 charged based on the quarter in which the permit is issued, and
19 also provides for the issuance of a prorated refund based on
20 the quarter in which the permit is surrendered if the permit
21 was issued to a permit holder who paid the full annual fee and
22 surrenders an unrevoked permit during the first nine months
23 of the state fiscal year, based upon the quarter in which the
24 permit is surrendered. The bill retains the provisions for
25 proration of the fees for issuance of the permits and for
26 prorated refunds on the same terms and at the same level as
27 current law.

28 TOBACCO PRODUCTS. Under current law, a distributor
29 of tobacco products is subject to a fee of \$100 for a
30 distributor's license, except that an applicant who holds
31 a permit under division I of Code chapter 453A (cigarettes
32 and alternative nicotine products and vapor products) is not
33 required to pay an additional fee. The bill increases the fee
34 to \$500.

35 Under current law, a tobacco products subjobber is subject

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1 to a license fee of \$10, except that an applicant holding a
2 permit pursuant to division I of Code chapter 453A (cigarettes
3 and alternative nicotine products and vapor products) is not
4 required to pay an additional fee. The bill increases the fee
5 to \$50.

6 Under current law, an annual permit for a tobacco products
7 retailer issued in the first quarter of the state fiscal year
8 is \$50 in places outside any city, \$75 in cities of less than
9 15,000, and \$100 in cities of more than 15,000. Under the
10 bill, these amounts are increased to \$250 in places outside any
11 city, \$375 in cities of less than 15,000, and \$500 in cities of
12 more than 15,000.

13 Under current law, tobacco products retailer permit fees
14 are reduced on a prorated basis based on the quarter of the
15 fiscal year in which they are granted and refunds are issued
16 on a prorated basis based upon the quarter of the fiscal
17 year in which they are surrendered. The bill retains the
18 provisions for the proration of the fees for the issuance of
19 tobacco products retailer permits and for prorated refunds on
20 the same terms and at the same levels as current law. If any
21 permit is granted during the month of October, November, or
22 December, the fee shall be three-fourths of the above maximum
23 schedule; if granted during the month of January, February, or
24 March, one-half of the maximum schedule; and if granted during
25 the month of April, May, or June, one-fourth of the maximum
26 schedule.

27 CIGARETTE AND TOBACCO PRODUCTS RETAILERS REPORTING. The
28 bill directs the director of revenue to specifically prescribe
29 the forms necessary and require each cigarette or tobacco
30 products retailer, as applicable, to provide on the prescribed
31 forms full and complete information pertaining to any
32 cigarettes, alternative nicotine products, vapor products,
33 tobacco, or tobacco products offered for sale or sold by the
34 retailer, including the type and brand of the product.

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